

William Pedersen June 10, 2012

In The Matter Of:

Eric Caine
vs.
Jon Burge, et al.

William Pedersen
July 10, 2012

MERRILL CORPORATION
 LegalLink, Inc. 311 South Wacker Drive
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 Chicago, IL 60606
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EXHIBIT
11

Page 1

IN THE UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF ILLINOIS
 EASTERN DIVISION

ERIC CAINE,)
)
 Plaintiff,)
)
 -vs-) Case No. 11-CV-08996
)
 JON BURGE, JAMES PIENTA,)
 RAYMOND MADIGAN, WILLIAM)
 MARLEY, WILLIAM PEDERSEN,)
 DANIEL MCWEENY, CITY OF)
 CHICAGO and UNIDENTIFIED)
 EMPLOYEES OF THE CITY OF)
 CHICAGO,)
)
 Defendants.)

Videotaped deposition of WILLIAM L.
 PEDERSEN, taken before MARGARET A. BACHNER, CSR, RMR,
 CRR, and Notary Public, pursuant to the Federal Rules
 of Civil Procedure for the United States District
 Courts pertaining to the taking of depositions for
 the purpose of discovery, at Suite 100, 312 North May
 Street, Chicago, Illinois, on the 10th day of July,
 A.D. 2012, at 10:25 a.m.

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1 There were present at the taking of this
 2 deposition the following counsel:
 3
 4 LOEVY & LOEVY
 BY: MR. RUSSELL AINSWORTH
 312 North May Street, Suite 100
 Chicago, Illinois 60607
 312-243-5900
 russell@loevy.com
 6
 7 on behalf of the Plaintiff;
 8
 9 THE SOTOS LAW FIRM, P.C.
 BY: MS. CHRISTINA S. GUNN
 550 East Devon, Suite 150
 Itasca, Illinois 60143
 630-735-3300
 cgunn@jsotoslaw.com
 11
 12 on behalf of the Defendants Jon Burge,
 James Pienta, Raymond Madigan, William
 13 Marley, William Pedersen and Daniel
 McWeeny;
 14
 15 DYKEMA GOSSETT PLLC
 BY: MR. HARRY N.ARGER
 10 South Wacker Drive, Suite 2300
 Chicago, Illinois 60606
 312-627-2127
 harger@dykema.com
 18
 19 on behalf of the Defendant The City of
 Chicago.
 20
 21 ALSO PRESENT:
 22 MR. RICK KOSBERG, Videographer,
 312-952-8100
 23 rkosberg@ameritech.net.
 24

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 3 WILLIAM L. PEDERSEN
 4 By Mr. Ainsworth 4
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 6 E X H I B I T S
 7 PEDERSEN DEPOSITION EXHIBIT FOR IDENTIFICATION
 8 Exhibit 1 - X72869-2876, Supplementary 65
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10:14:56 1 THE VIDEOGRAPHER: This is the deposition of
 10:25:23 2 William Pedersen taken by Loevy & Loevy in the matter
 10:25:26 3 of Eric Caine versus Jon Burge, James Pienta, Raymond
 10:25:26 4 Madigan, William Marley, William Pedersen, Daniel
 10:25:33 5 McWeeny, City of Chicago, et al., Case Number
 10:25:38 6 11-CV-08996, held in the offices of Loevy & Loevy,
 10:25:42 7 312 North May, Chicago, Illinois.
 10:25:44 8 Today is July 10th, 2012. The time is
 10:25:47 9 10:25. The court reporter is Margo Bachner. The
 10:25:53 10 videographer is Rick Kosberg.
 10:25:56 11 Counsel can now introduce themselves, and
 10:25:59 12 the court reporter is free to administer the oath.
 10:26:01 13 MR. AINSWORTH: This is Russell Ainsworth on
 10:26:03 14 behalf of the plaintiff.
 10:26:04 15 MS. GUNN: Christina Gunn on behalf of the
 10:26:07 16 individually named officer defendants.
 10:26:09 17 MR. ARGER: Harry Arger for the City of Chicago.
 10:26:24 18 (The witness was duly sworn.)
 10:26:24 19 WILLIAM L. PEDERSEN,
 10:26:24 20 called as a witness herein, having been first duly
 10:26:24 21 sworn, was examined and testified as follows:
 10:26:26 22 EXAMINATION
 10:26:26 23 BY MR. AINSWORTH:
 10:26:26 24 Q. Sir, would you please state and spell your

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10:26:29 1 name for the record?
 10:26:30 2 A. William L. Pedersen. Pedersen is spelled
 10:26:34 3 P-e-d-e-r-s-e-n.
 10:26:36 4 Q. Are you currently employed, sir?
 10:26:38 5 A. I'm self-employed.
 10:26:40 6 Q. And what do you -- what is your current
 10:26:42 7 occupation?
 10:26:42 8 A. I'm a private detective.
 10:26:44 9 Q. And for how long have you been a private
 10:26:47 10 detective?
 10:26:47 11 A. Two, three years.
 10:26:53 12 Q. And what was your employment before you
 10:26:59 13 began as a private detective?
 10:27:02 14 A. My last employment, I worked for the Cook
 10:27:09 15 County Public Defender's Office as an investigator.
 10:27:12 16 Q. And for how long were you with the Public
 10:27:15 17 Defender's Office?
 10:27:16 18 A. I think about eight years.
 10:27:18 19 Q. And why did you leave the Public
 10:27:20 20 Defender's Office?
 10:27:21 21 A. It is my desire to answer your question
 10:27:26 22 fully. However, I'm aware that merely answering your
 10:27:30 23 questions might lead to my prosecution for a criminal
 10:27:33 24 offense. Acting on the advice of my attorney, I

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10:27:35 1 choose not to answer your question based on the right
 10:27:38 2 afforded to me by the Fifth Amendment to the United
 10:27:41 3 States Constitution.
 10:27:43 4 Q. All right. During the 1980s did you serve
 10:27:45 5 as a detective with the Chicago Police Department?
 10:27:51 6 A. It is my desire --
 10:27:53 7 MS. GUNN: I'm sorry. Can I just interject
 10:27:56 8 here? Can we have a stipulation to have him read a
 10:27:56 9 shortened version rather than have him read that
 10:27:59 10 entire statement every time? Otherwise we can go
 10:28:00 11 forward with the full statement.
 10:28:01 12 MR. AINSWORTH: I'm happy to have it shortened
 10:28:06 13 as long as he just refers to the Fifth. He can adopt
 10:28:09 14 his prior answer, but as long as he states that he's
 10:28:12 15 declining to answer based on the Fifth Amendment,
 10:28:15 16 that would be fine.
 10:28:16 17 MS. GUNN: Does that sound fair enough to you?
 10:28:18 18 THE WITNESS: Sure.
 10:28:18 19 BY THE WITNESS:
 10:28:18 20 A. On the advice of my attorney I choose not
 10:28:20 21 to answer your question based on my rights afforded
 10:28:23 22 to me in the Fifth Amendment of the United States
 10:28:25 23 Constitution.
 10:28:26 24 BY MR. AINSWORTH:

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10:28:27 1 Q. And were you assigned to Area 2 when you
 10:28:29 2 were a Chicago police detective?
 10:28:33 3 A. Acting on advice of my attorney I choose
 10:28:35 4 not to answer your question based on my -- on the
 10:28:38 5 rights afforded me in the Fifth Amendment to the
 10:28:41 6 United States Constitution.
 10:28:42 7 Q. Who were your partners that you had for a
 10:28:46 8 period of, say, more than two months at a time while
 10:28:49 9 you were a detective with the Chicago Police
 10:28:52 10 Department?
 10:28:52 11 MS. GUNN: Objection. Assumes facts not in
 10:28:54 12 evidence.
 10:28:56 13 You can answer.
 10:28:56 14 BY THE WITNESS:
 10:28:58 15 A. Okay. Acting on my advice of my attorney
 10:29:00 16 I choose not to answer your question based on the
 10:29:02 17 rights afforded me in the Fifth Amendment to the
 10:29:05 18 United States Constitution.
 10:29:06 19 BY MR. AINSWORTH:
 10:29:07 20 Q. Did you review any documents in
 10:29:09 21 preparation for today's deposition?
 10:29:12 22 A. Acting on advice of my attorney I choose
 10:29:14 23 not to answer your question --
 10:29:16 24 MS. GUNN: You can answer that question.

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10:29:18 1 THE WITNESS: I can answer it?

10:29:18 2 BY THE WITNESS:

10:29:19 3 A. No.

10:29:19 4 BY MR. AINSWORTH:

10:29:27 5 Q. Did you -- please tell me what role you

10:29:30 6 played, if any, in the Sanchez homicide investigation

10:29:33 7 in April of 1986.

10:29:35 8 A. Acting on advice of my attorney I choose

10:29:38 9 not to answer your question based on the rights

10:29:40 10 afforded me in the Fifth Amendment to the United

10:29:43 11 States Constitution.

10:29:43 12 BY MR. AINSWORTH:

10:29:45 13 Q. Please tell me every witness that you

10:29:46 14 questioned during your investigation of the Sanchez

10:29:48 15 homicides in 19- -- in April of 1986.

10:29:51 16 MS. GUNN: Objection. Assumes facts not in

10:29:53 17 evidence.

10:29:54 18 You can answer.

10:29:54 19 BY THE WITNESS:

10:29:55 20 A. Acting on the advice of my attorney I

10:29:58 21 choose not to answer your question based on the

10:30:00 22 rights afforded me in the Fifth Amendment to the

10:30:03 23 United States Constitution.

10:30:08 24 BY MR. AINSWORTH:

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10:30:08 1 Q. Tell me what efforts you made to locate a

10:30:10 2 person by the name of Aaron Patterson in April of

10:30:16 3 1986.

10:30:17 4 A. Acting on advice of my attorney I choose

10:30:19 5 not to answer your question based on the rights

10:30:22 6 afforded me in the Fifth Amendment to the United

10:30:25 7 States Constitution.

10:30:25 8 Q. Tell me every reason that you know of that

10:30:28 9 you were looking for Aaron Patterson in April of

10:30:32 10 1986.

10:30:32 11 MS. GUNN: Objection. Form. Foundation. And

10:30:35 12 assumes facts not in evidence.

10:30:35 13 BY THE WITNESS:

10:30:36 14 A. Acting on the advice of my attorney I

10:30:40 15 choose not to answer your question based on the

10:30:42 16 rights afforded me in the Fifth Amendment to the

10:30:44 17 United States Constitution.

10:30:45 18 BY MR. AINSWORTH:

10:30:46 19 Q. Where were you when you first met Aaron

10:30:51 20 Patterson?

10:30:51 21 A. Acting on the rights of my -- I'm sorry.

10:30:53 22 Acting on the advice of my attorney I choose not to

10:30:56 23 answer your question based on the rights afforded me

10:30:59 24 in the Fifth Amendment to the United States

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10:31:01 1 Constitution.

10:31:01 2 BY MR. AINSWORTH:

10:31:02 3 Q. Did you question a person by the name of

10:31:04 4 Willie Washington in April of 1986?

10:31:06 5 A. Acting on the advice of my attorney, I

10:31:08 6 choose not to answer your question based on the

10:31:11 7 rights afforded me in the Fifth Amendment to the

10:31:13 8 United States Constitution.

10:31:15 9 Q. Did you speak with a person named Mack Ray

10:31:20 10 in regard to the Sanchez homicide investigation?

10:31:23 11 A. Acting on the advice of my attorney I

10:31:25 12 choose not to answer your question based on the

10:31:27 13 rights afforded me in the Fifth Amendment to the

10:31:30 14 United States Constitution.

10:31:31 15 Q. Isn't it true that Mack Ray told you that

10:31:34 16 Wayne Washington had told him that Wayne and Willie

10:31:38 17 Washington had committed the Sanchez murders?

10:31:40 18 MS. GUNN: Objection. Form. Foundation. And

10:31:43 19 assumes facts not in evidence.

10:31:45 20 BY THE WITNESS:

10:31:46 21 A. Acting on the advice of my attorney I

10:31:48 22 choose not to answer your question based on the

10:31:50 23 rights afforded me in the Fifth Amendment to the

10:31:52 24 United States Constitution.

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10:31:54 1 BY MR. AINSWORTH:

10:31:55 2 Q. Isn't it true that you documented the fact

10:31:57 3 that Mack Ray told you that Wayne Washington had told

10:32:01 4 him that Wayne and Willie Washington had committed

10:32:04 5 the Sanchez murders?

10:32:05 6 MS. GUNN: Objection. Foundation. Assumes

10:32:08 7 facts not in evidence.

10:32:08 8 BY THE WITNESS:

10:32:10 9 A. Acting on the advice of my attorney I

10:32:12 10 choose not to answer your question based on the

10:32:14 11 rights afforded me in the Fifth Amendment to the

10:32:16 12 United States Constitution.

10:32:17 13 BY MR. AINSWORTH:

10:32:17 14 Q. Isn't it true that you saw documentation

10:32:20 15 prepared by another police officer with the Chicago

10:32:24 16 Police Department that Mack Ray had informed the

10:32:26 17 Chicago Police Department that Wayne Washington had

10:32:29 18 told him that Wayne and Willie Washington were

10:32:33 19 responsible for the Sanchez murders?

10:32:35 20 MS. GUNN: Objection. Foundation. Assumes

10:32:37 21 facts not in evidence.

10:32:38 22 BY THE WITNESS:

10:32:39 23 A. Acting on the advice of my attorney I

10:32:41 24 choose not to answer your question based on the

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10:32:43 1 rights afforded me in the Fifth Amendment to the
 10:32:46 2 United States Constitution.
 10:32:47 3 BY MR. AINSWORTH:
 10:32:48 4 Q. Isn't it true that you withheld
 10:32:50 5 documentation showing that Wayne Washington had told
 10:32:54 6 Mack Ray that Wayne and Willie Washington were
 10:32:57 7 responsible for the Sanchez homicides from the Record
 10:33:00 8 Division file at the Chicago Police Department so
 10:33:04 9 that the documentation could not be obtained either
 10:33:08 10 by subpoena from the defense nor from the
 10:33:11 11 prosecution?
 10:33:12 12 MS. GUNN: Objection. Form. Foundation.
 10:33:14 13 Assumes facts not in evidence.
 10:33:14 14 BY THE WITNESS:
 10:33:17 15 A. Acting on the advice of my attorney I
 10:33:19 16 choose not to answer your question based on the
 10:33:21 17 rights afforded me in the Fifth Amendment to the
 10:33:23 18 United States Constitution.
 10:33:24 19 BY MR. AINSWORTH:
 10:33:24 20 Q. Isn't it true that you destroyed
 10:33:32 21 documentation showing that Wayne Washington had told
 10:33:35 22 Mack Ray that Wayne and Willie Washington were
 10:33:37 23 responsible for the Sanchez homicides so that the
 10:33:40 24 documentation could not be obtained by subpoena by

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10:33:44 1 either the -- Mr. Caine's defense team or the
 10:33:47 2 prosecution?
 10:33:48 3 MS. GUNN: Objection. Form. Foundation.
 10:33:50 4 Assumes facts not in evidence.
 10:33:50 5 BY THE WITNESS:
 10:33:53 6 A. Acting on the advice of my attorney I
 10:33:55 7 choose not to answer your question based on the
 10:33:57 8 rights afforded me in the Fifth Amendment to the
 10:34:01 9 United States Constitution.
 10:34:03 10 BY MR. AINSWORTH:
 10:34:03 11 Q. Isn't it true that you have personal
 10:34:07 12 knowledge that one of defendants Burge, Pienta,
 10:34:10 13 Madigan, Marley or McWeeny withheld documentation
 10:34:15 14 showing that Mack Ray informed a Chicago police
 10:34:19 15 officer that Wayne Washington had admitted to him
 10:34:22 16 that Wayne and Willie Washington were responsible for
 10:34:25 17 the Sanchez homicides such that the documentation
 10:34:28 18 could not be provided to either the prosecution or
 10:34:31 19 the defense?
 10:34:32 20 MS. GUNN: Objection. Form. Foundation.
 10:34:35 21 Assumes facts not in evidence.
 10:34:35 22 BY THE WITNESS:
 10:34:37 23 A. Acting on the advice of my attorney I
 10:34:40 24 choose not to answer your question based on the

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10:34:42 1 rights afforded me in the Fifth Amendment to the
 10:34:44 2 United States Constitution.
 10:34:45 3 BY MR. AINSWORTH:
 10:34:46 4 Q. Isn't it true that you have personal
 10:34:47 5 knowledge that one of defendants Burge, Pienta,
 10:34:51 6 Madigan, Marley, McWeeny destroyed documentation
 10:34:57 7 showing that Mack Ray had told a Chicago police
 10:35:00 8 officer that Wayne Washington had admitted that Wayne
 10:35:04 9 and Willie Washington were the actual culprits of the
 10:35:07 10 Sanchez murders such that the documentation could not
 10:35:10 11 be provided to either the prosecution or Mr. Caine's
 10:35:14 12 defense team?
 10:35:14 13 MS. GUNN: Objection. Foundation. Form.
 10:35:18 14 Assumes facts not in evidence.
 10:35:20 15 BY THE WITNESS:
 10:35:21 16 A. Acting on advice of my attorney I choose
 10:35:24 17 not to answer your question based on the rights
 10:35:26 18 afforded me in the Fifth Amendment to the United
 10:35:28 19 States Constitution.
 10:35:28 20 BY MR. AINSWORTH:
 10:35:32 21 Q. Please tell us which one of either
 10:35:34 22 defendants Burge, Pienta, Madigan, Marley or McWeeny
 10:35:40 23 withheld or destroyed documentation that Mack Ray had
 10:35:44 24 informed a Chicago police officer that Wayne had

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10:35:46 1 admitted that Wayne and Willie Washington were the
 10:35:50 2 true culprits of the Sanchez murders?
 10:35:54 3 MS. GUNN: Objection. Form. Foundation.
 10:35:57 4 Assumes facts not in evidence.
 10:36:00 5 BY THE WITNESS:
 10:36:01 6 A. Acting on the advice of my attorney I
 10:36:03 7 choose not to answer your question based on the
 10:36:05 8 rights afforded me in the Fifth Amendment to the
 10:36:08 9 United States Constitution.
 10:36:09 10 BY MR. AINSWORTH:
 10:36:10 11 Q. Isn't it true that you had a reasonable
 10:36:12 12 opportunity to prevent the withholding or the
 10:36:14 13 destruction of documentation showing that Mack Ray
 10:36:19 14 had informed a Chicago police officer that Wayne
 10:36:24 15 Washington had admitted that Wayne and Willie
 10:36:27 16 Washington were the true culprits in the Sanchez
 10:36:30 17 murders?
 10:36:30 18 MS. GUNN: Objection. Form. Foundation.
 10:36:33 19 Assumes facts not in evidence.
 10:36:33 20 BY THE WITNESS:
 10:36:35 21 A. Acting on the advice of my attorney I
 10:36:38 22 choose not to answer your question based on the
 10:36:39 23 rights afforded me in the Fifth Amendment to the
 10:36:42 24 United States Constitution.

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10:36:43 1 BY MR. AINSWORTH:

10:36:48 2 Q. Isn't it true that you were at Area 2 when

10:36:52 3 Aaron Patterson was being interrogated on April 30th,

10:36:58 4 1986?

10:36:59 5 A. Acting on the advice of my attorney I

10:37:01 6 choose not to answer your question based on the

10:37:03 7 rights afforded me in the Fifth Amendment to the

10:37:06 8 United States Constitution.

10:37:06 9 Q. Tell me every step you took to either rule

10:37:11 10 out or rule in Willie Washington as a perpetrator of

10:37:20 11 the Sanchez homicides.

10:37:21 12 MS. GUNN: Objection. Form. Assumes facts not

10:37:25 13 in evidence.

10:37:25 14 BY THE WITNESS:

10:37:26 15 A. Acting on the advice of my attorney I

10:37:28 16 choose not to answer your question based on the

10:37:30 17 rights afforded me in the Fifth Amendment to the

10:37:32 18 United States Constitution.

10:37:33 19 BY MR. AINSWORTH:

10:37:34 20 Q. Isn't it true that in April of 1986 you

10:37:37 21 knew that Willie Washington had been implicated as a

10:37:41 22 potential suspect in the Sanchez homicides?

10:37:45 23 MS. GUNN: Objection. Form. Assumes facts not

10:37:48 24 in evidence.

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10:37:48 1 BY THE WITNESS:

10:37:50 2 A. Acting on the advice of my attorney I

10:37:52 3 choose not to answer your question based on the

10:37:54 4 rights afforded me in the Fifth Amendment to the

10:37:56 5 United States Constitution.

10:37:57 6 BY MR. AINSWORTH:

10:38:01 7 Q. Isn't it true that you interrogated Aaron

10:38:06 8 Patterson on April 30th, 1986 alongside several other

10:38:10 9 detectives?

10:38:10 10 MS. GUNN: Objection. Form and foundation.

10:38:10 11 BY THE WITNESS:

10:38:14 12 A. Acting on the advice of my attorney I

10:38:16 13 choose not to answer your question based on the

10:38:19 14 rights afforded me in the Fifth Amendment to the

10:38:21 15 United States Constitution.

10:38:23 16 BY MR. AINSWORTH:

10:38:24 17 Q. Please tell me the name of every detective

10:38:26 18 that you witnessed interrogating Aaron Patterson on

10:38:30 19 April 30th, 1986.

10:38:34 20 A. Acting on the advice of my attorney I

10:38:36 21 choose not to answer your question based on the

10:38:38 22 rights afforded me in the Fifth Amendment to the

10:38:40 23 United States Constitution.

10:38:42 24 Q. Isn't it true that you interrogated Aaron

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10:38:47 1 Patterson inside Area 2 while he was handcuffed to

10:38:51 2 the wall?

10:38:51 3 MS. GUNN: Objection. Foundation.

10:38:53 4 BY THE WITNESS:

10:38:55 5 A. Acting on the advice of my attorney I

10:38:57 6 choose not to answer your question based on the

10:38:59 7 rights afforded me in the Fifth Amendment to the

10:39:02 8 United States Constitution.

10:39:03 9 BY MR. AINSWORTH:

10:39:03 10 Q. Isn't it true that you interrogated Aaron

10:39:06 11 Patterson inside Area 2 with defendants James Pienta

10:39:11 12 and Bill Marley on April 30th, 1986 while Aaron

10:39:16 13 Patterson was handcuffed to the wall?

10:39:18 14 A. Acting on the advice of my attorney I

10:39:21 15 choose not to answer your question based on the

10:39:24 16 rights afforded me in the Fifth Amendment to the

10:39:27 17 United States Constitution.

10:39:29 18 Q. Isn't it from you that you transported

10:39:31 19 Aaron Patterson to Area 2 with defendants Pienta and

10:39:35 20 Marley?

10:39:37 21 MS. GUNN: Objection. Foundation.

10:39:37 22 BY THE WITNESS:

10:39:40 23 A. Acting on the advice of my attorney I

10:39:44 24 choose not to answer your question based on the

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10:39:45 1 rights afforded me in the Fifth Amendment to the

10:39:47 2 United States Constitution.

10:39:48 3 BY MR. AINSWORTH:

10:39:49 4 Q. Did you know Aaron Patterson prior to

10:39:51 5 April 19th, 1986?

10:39:54 6 A. Acting on the advice of my attorney I

10:39:57 7 choose not to answer your question based on the

10:39:59 8 rights afforded me in the Fifth Amendment to the

10:40:02 9 United States Constitution.

10:40:05 10 Q. Did you know Eric Caine prior to April

10:40:08 11 19th, 1986?

10:40:09 12 A. Acting on the advice of my attorney I

10:40:11 13 choose not to answer your question based on the

10:40:13 14 rights afforded me in the Fifth Amendment to the

10:40:16 15 United States Constitution.

10:40:18 16 Q. Did you know Michael Arbuckle prior to

10:40:20 17 April 19th, 1986?

10:40:22 18 A. Acting on the advice of my attorney I

10:40:24 19 choose not to answer your question based on the

10:40:27 20 rights afforded me in the Fifth Amendment to the

10:40:30 21 United States Constitution.

10:40:32 22 Q. Did you know Illya Rowland prior to April

10:40:35 23 19th, 1986?

10:40:36 24 A. Acting on the advice of my attorney I

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10:40:38 1 choose not to answer your question based on the
 10:40:41 2 rights afforded me in the Fifth Amendment to the
 10:40:45 3 United States Constitution.
 10:40:46 4 Q. In April of 1986 were there typewriters in
 10:40:52 5 Area 2 to your knowledge?
 10:40:54 6 MS. GUNN: Objection. Foundation.
 10:40:54 7 BY THE WITNESS:
 10:40:59 8 A. Acting on the advice of my attorney I
 10:41:02 9 choose not to answer your question based on the
 10:41:04 10 rights afforded me in the Fifth Amendment to the
 10:41:07 11 United States Constitution.
 10:41:09 12 BY MR. AINSWORTH:
 10:41:10 13 Q. In April of 1986 were there gray
 10:41:13 14 typewriter covers that were used to cover the
 10:41:18 15 typewriters in April of 1986?
 10:41:20 16 MS. GUNN: Objection. Foundation. Assumes
 10:41:22 17 facts not in evidence.
 10:41:22 18 BY THE WITNESS:
 10:41:24 19 A. Acting on the advice of my attorney I
 10:41:26 20 choose not to answer your question based on the
 10:41:29 21 rights afforded me in the Fifth Amendment to the
 10:41:33 22 United States Constitution.
 10:41:34 23 BY MR. AINSWORTH:
 10:41:34 24 Q. Isn't it true that the gray typewriter

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10:41:38 1 covers were placed over the heads of criminal
 10:41:42 2 suspects during the 1980s at Area 2 to your
 10:41:46 3 knowledge?
 10:41:46 4 MS. GUNN: Objection. Foundation. Form.
 10:41:49 5 Assumes facts not in evidence.
 10:41:52 6 MR.ARGER: I'll join the objection in that it
 10:41:54 7 is an improper use of this witness to attempt to
 10:41:58 8 establish a claim against the City. If you will give
 10:42:01 9 me a standing objection to the remainder of this
 10:42:04 10 deposition, I won't have to speak every time you ask
 10:42:07 11 a question.
 10:42:07 12 MR. AINSWORTH: I will happily give that
 10:42:09 13 standing objection.
 10:42:10 14 MR.ARGER: Thank you.
 10:42:11 15 BY THE WITNESS:
 10:42:13 16 A. Acting on the advice of my attorney I
 10:42:15 17 choose not to answer your question based on the
 10:42:17 18 rights afforded me in the Fifth Amendment to the
 10:42:20 19 United States Constitution.
 10:42:20 20 BY MR. AINSWORTH:
 10:42:21 21 Q. Isn't it true that you observed Chicago
 10:42:23 22 police detectives inside Area 2 during the years 1980
 10:42:27 23 to 1989 place a typewriter cover over the head of a
 10:42:31 24 criminal suspect in an effort to get that suspect to

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10:42:34 1 give an involuntary statement?
 10:42:37 2 MS. GUNN: Objection. Form. Foundation.
 10:42:39 3 Assumes facts not in evidence.
 10:42:39 4 BY THE WITNESS:
 10:42:41 5 A. Acting on the advice of my attorney I
 10:42:45 6 choose not to answer your question based on the
 10:42:46 7 rights afforded me in the Fifth Amendment to the
 10:42:50 8 United States Constitution.
 10:42:50 9 BY MR. AINSWORTH:
 10:42:52 10 Q. Isn't it true that you heard Detective
 10:43:07 11 Pienta say to Aaron Patterson that he was "tired of
 10:43:10 12 this bullshit" or words to that effect on April 30th,
 10:43:14 13 1986?
 10:43:15 14 MS. GUNN: Hold on. Objection.
 10:43:20 15 I'm sorry. Can you read the question
 10:43:33 16 back?
 10:43:33 17 (Record read as requested.)
 10:43:34 18 MS. GUNN: No objection.
 10:43:34 19 BY THE WITNESS:
 10:43:36 20 A. Acting on the advice of my attorney I
 10:43:38 21 choose not to answer your question based on the
 10:43:40 22 rights afforded me in the Fifth Amendment to the
 10:43:43 23 United States Constitution.
 10:43:45 24

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10:43:45 1 BY MR. AINSWORTH:
 10:43:46 2 Q. Isn't it true that you then observed
 10:43:49 3 Detective Pienta leave the interrogation room?
 10:43:54 4 MS. GUNN: Objection. Foundation. Assumes
 10:43:57 5 facts not in evidence.
 10:43:57 6 BY THE WITNESS:
 10:43:58 7 A. Acting on the advice of my attorney I
 10:44:01 8 choose not to answer your question based on the
 10:44:03 9 rights afforded me in the Fifth Amendment to the
 10:44:06 10 United States Constitution.
 10:44:09 11 BY MR. AINSWORTH:
 10:44:10 12 Q. Isn't it true that when -- that Detective
 10:44:14 13 Pienta returned to the room and when he returned he
 10:44:16 14 had a gray typewriter cover in his hands?
 10:44:19 15 MS. GUNN: Objection. Assumes facts not in
 10:44:22 16 evidence.
 10:44:22 17 BY THE WITNESS:
 10:44:23 18 A. Acting on the advice of my attorney I
 10:44:25 19 choose not to answer your question based on the
 10:44:27 20 rights afforded me in the Fifth Amendment to the
 10:44:30 21 United States Constitution.
 10:44:30 22 BY MR. AINSWORTH:
 10:44:31 23 Q. Isn't it true that when Detective Pienta
 10:44:33 24 reentered the interrogation room with the gray

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10:44:37 1 plastic typewriter cover, Aaron Patterson had his
 10:44:41 2 hands cuffed behind his back?
 10:44:43 3 MS. GUNN: Objection. Assumes facts not in
 10:44:46 4 evidence.
 10:44:46 5 BY THE WITNESS:
 10:44:47 6 A. Acting on the advice of my attorney I
 10:44:49 7 choose not to answer your question based on the
 10:44:51 8 rights afforded me in the Fifth Amendment to the
 10:44:55 9 United States Constitution.
 10:44:57 10 BY MR. AINSWORTH:
 10:44:57 11 Q. Isn't it true that when James Pienta
 10:45:03 12 reentered the room with the gray plastic typewriter
 10:45:07 13 cover, the door to the interrogation room was closed
 10:45:09 14 and the lights were turned off?
 10:45:11 15 MS. GUNN: Objection. Assumes facts not in
 10:45:15 16 evidence.
 10:45:15 17 BY THE WITNESS:
 10:45:16 18 A. Acting on the advice of my attorney I
 10:45:18 19 choose not to answer your question based on the
 10:45:20 20 rights afforded me in the Fifth Amendment to the
 10:45:22 21 United States Constitution.
 10:45:23 22 BY MR. AINSWORTH:
 10:45:23 23 Q. Isn't it true that other Chicago police
 10:45:26 24 detectives from Area 2 entered the room when

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10:45:34 1 Detective Pienta entered the room with the gray
 10:45:37 2 plastic typewriter cover?
 10:45:39 3 MS. GUNN: Objection. Form. Foundation.
 10:45:42 4 Assumes facts not in evidence.
 10:45:46 5 BY THE WITNESS:
 10:45:46 6 A. Acting on the advice of my attorney I
 10:45:48 7 choose not to answer your question based on the
 10:45:50 8 rights afforded me in the Fifth Amendment to the
 10:45:53 9 United States Constitution.
 10:45:53 10 BY MR. AINSWORTH:
 10:45:54 11 Q. Isn't it true that defendant Pienta then
 10:45:57 12 placed the plastic typewriter cover over Aaron
 10:46:01 13 Patterson's head and held it over his head
 10:46:05 14 restricting or preventing Aaron Patterson from
 10:46:09 15 breathing?
 10:46:09 16 MS. GUNN: Objection. Form. Foundation.
 10:46:11 17 Assumes facts not in evidence.
 10:46:12 18 BY THE WITNESS:
 10:46:13 19 A. Acting on the advice of my attorney I
 10:46:15 20 choose not to answer your question based on the
 10:46:18 21 rights afforded me in the Fifth Amendment to the
 10:46:21 22 United States Constitution.
 10:46:21 23 BY MR. AINSWORTH:
 10:46:22 24 Q. Isn't it true that while Detective Pienta

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10:46:24 1 was holding a typewriter cover over Aaron Patterson's
 10:46:28 2 head, Aaron Patterson began to struggle?
 10:46:31 3 MS. GUNN: Objection. Form. Assumes facts not
 10:46:33 4 in evidence.
 10:46:33 5 BY THE WITNESS:
 10:46:34 6 A. Acting on the advice of my attorney I
 10:46:36 7 choose not to answer your question based on the
 10:46:38 8 rights afforded me in the Fifth Amendment to the
 10:46:42 9 United States Constitution.
 10:46:42 10 BY MR. AINSWORTH:
 10:46:44 11 Q. Isn't it true that while the typewriter
 10:46:46 12 cover was being held over Aaron Patterson's head, you
 10:46:50 13 struck Aaron Patterson in the chest?
 10:46:52 14 MS. GUNN: Objection. Foundation. Form.
 10:46:55 15 Assumes facts not in evidence.
 10:46:56 16 BY THE WITNESS:
 10:46:57 17 A. Acting on the advice of my attorney I
 10:46:59 18 choose not to answer your question based on the
 10:47:02 19 rights afforded me in the Fifth Amendment to the
 10:47:05 20 United States Constitution.
 10:47:05 21 BY MR. AINSWORTH:
 10:47:07 22 Q. Isn't it true that while the typewriter
 10:47:09 23 cover was held over Aaron Patterson's head you
 10:47:12 24 observed one or more of Detectives Pienta, Marley,

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10:47:18 1 McWeeny and Madigan strike Aaron Patterson in the
 10:47:29 2 chest?
 10:47:31 3 MS. GUNN: Objection. Foundation. Form.
 10:47:33 4 Assumes facts not in evidence.
 10:47:34 5 BY THE WITNESS:
 10:47:35 6 A. Acting on the advice of my attorney I
 10:47:37 7 choose not to answer your question based on the
 10:47:39 8 rights afforded me in the Fifth Amendment to the
 10:47:42 9 United States Constitution.
 10:47:42 10 BY MR. AINSWORTH:
 10:47:44 11 Q. Isn't it true that while the typewriter
 10:47:47 12 cover was being held over Aaron Patterson's head
 10:47:51 13 preventing him from breathing, defendant Burge struck
 10:47:55 14 Aaron Patterson in the chest?
 10:47:56 15 MS. GUNN: Objection. Foundation. Form.
 10:47:59 16 Assumes facts not in evidence.
 10:48:00 17 BY THE WITNESS:
 10:48:01 18 A. Acting on the advice of my attorney I
 10:48:04 19 choose not to answer your question based on the
 10:48:06 20 rights afforded me in the Fifth Amendment to the
 10:48:09 21 United States Constitution.
 10:48:09 22 BY MR. AINSWORTH:
 10:48:11 23 Q. Isn't it true that on April 30th, 1986 Jon
 10:48:16 24 Burge was the Commander of Area 2 Violent Crimes?

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10:48:21 1 A. Acting on the advice of my attorney I
 10:48:24 2 choose not to answer your question based on the
 10:48:27 3 rights afforded me in the Fifth Amendment to the
 10:48:30 4 United States Constitution.
 10:48:30 5 BY MR. AINSWORTH:
 10:48:32 6 Q. Isn't it true that the cover was taken off
 10:48:34 7 Aaron Patterson's head at some point?
 10:48:39 8 MS. GUNN: Objection. Foundation. Form.
 10:48:41 9 Assumes facts not in evidence.
 10:48:42 10 BY THE WITNESS:
 10:48:43 11 A. Acting on the advice -- advice of my
 10:48:45 12 attorney I choose not to answer your question based
 10:48:49 13 on the rights afforded me in the Fifth Amendment to
 10:48:52 14 the United States Constitution.
 10:48:53 15 BY MR. AINSWORTH:
 10:48:54 16 Q. Isn't it true that after the typewriter
 10:48:57 17 cover was taken off of Aaron Patterson's head he
 10:49:02 18 still refused to implicate himself or anyone else in
 10:49:05 19 the murders of the Sanchezes?
 10:49:07 20 MS. GUNN: Objection. Form. Assumes facts not
 10:49:09 21 in evidence.
 10:49:09 22 BY THE WITNESS:
 10:49:10 23 A. Acting on the advice of my attorney I
 10:49:12 24 choose not to answer your question based on the

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10:49:14 1 rights afforded me in the Fifth Amendment to the
 10:49:17 2 United States Constitution.
 10:49:18 3 BY MR. AINSWORTH:
 10:49:20 4 Q. Isn't it true that after Aaron Patterson
 10:49:22 5 refused to implicate himself in the Sanchez murders,
 10:49:26 6 the typewriter cover was placed back over his head
 10:49:29 7 preventing him from breathing?
 10:49:31 8 MS. GUNN: Objection. Form. Assumes facts not
 10:49:35 9 in evidence. And foundation.
 10:49:35 10 BY THE WITNESS:
 10:49:37 11 A. Acting on the advice of my attorney I
 10:49:39 12 choose not to answer your question based on rights
 10:49:42 13 afforded me in the Fifth Amendment to the United
 10:49:45 14 States Constitution.
 10:49:45 15 BY MR. AINSWORTH:
 10:49:46 16 Q. Isn't it true that you observed one of
 10:49:51 17 Detectives Burge, Pienta, Madigan, Marley or McWeeny
 10:49:58 18 hold the typewriter cover over Aaron Patterson's head
 10:50:03 19 the second time in a manner that would prevent him
 10:50:07 20 from breathing?
 10:50:08 21 MS. GUNN: Objection. Form. Assumes facts not
 10:50:11 22 in evidence.
 10:50:11 23 BY THE WITNESS:
 10:50:11 24 A. Acting on the advice of my attorney I

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10:50:13 1 choose not to answer your question based on the
 10:50:15 2 rights afforded me in the Fifth Amendment to the
 10:50:18 3 United States Constitution.
 10:50:18 4 BY MR. AINSWORTH:
 10:50:18 5 Q. Isn't it true that you knew that the
 10:50:20 6 typewriter cover was being held over Aaron
 10:50:24 7 Patterson's head in an effort to get him to give a
 10:50:26 8 false and involuntary statement?
 10:50:28 9 MS. GUNN: Objection. Form. Assumes facts not
 10:50:31 10 in evidence. Foundation.
 10:50:31 11 BY THE WITNESS:
 10:50:32 12 A. Acting on the advice of my attorney I
 10:50:35 13 choose not to answer your question based on the
 10:50:37 14 rights afforded me in the Fifth Amendment to the
 10:50:41 15 United States Constitution.
 10:50:42 16 BY MR. AINSWORTH:
 10:50:42 17 Q. Which of defendants Burge, Pienta,
 10:50:45 18 Madigan, Marley or McWeeny did you see holding the
 10:50:48 19 typewriter cover over Aaron Patterson's head?
 10:50:51 20 MS. GUNN: Objection. Form. Assumes facts not
 10:50:54 21 in evidence.
 10:50:54 22 BY THE WITNESS:
 10:50:54 23 A. Acting on the advice of my attorney I
 10:50:57 24 choose not to answer your question based on the

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10:50:59 1 rights afforded me in the Fifth Amendment to the
 10:51:02 2 United States Constitution.
 10:51:03 3 BY MR. AINSWORTH:
 10:51:04 4 Q. Isn't it true that you had an opportunity
 10:51:06 5 to prevent Aaron Patterson from having the cover
 10:51:11 6 being placed over his head, but you failed to stop
 10:51:13 7 that from happening?
 10:51:14 8 MS. GUNN: Objection. Form. Assumes facts not
 10:51:20 9 in evidence.
 10:51:20 10 BY THE WITNESS:
 10:51:21 11 A. Acting on the advice of my attorney I
 10:51:23 12 choose not to answer your question based on the
 10:51:25 13 rights afforded me in the Fifth Amendment to the
 10:51:28 14 United States Constitution.
 10:51:29 15 BY MR. AINSWORTH:
 10:51:34 16 Q. If there is some reason why you could not
 10:51:36 17 have prevented the plastic typewriter cover from
 10:51:40 18 being held over Aaron Patterson's head, please tell
 10:51:43 19 me what that reason is.
 10:51:46 20 MS. GUNN: Objection. Form. And assumes facts
 10:51:49 21 not in evidence.
 10:51:49 22 BY THE WITNESS:
 10:51:50 23 A. Acting on the advice of my attorney I
 10:51:51 24 choose not to answer your question based on the

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10:51:54 1 rights afforded me in the Fifth Amendment to the
 10:51:56 2 United States Constitution.
 10:51:56 3 BY MR. AINSWORTH:
 10:51:59 4 Q. Isn't it true that you had talked with Jon
 10:52:03 5 Burge prior to April 30th, 1986 about using a
 10:52:07 6 typewriter cover as a means of suffocating criminal
 10:52:15 7 suspects to get them to give false and involuntary
 10:52:19 8 statements?
 10:52:19 9 MS. GUNN: Objection. Foundation. Form.
 10:52:22 10 Assumes facts not in evidence.
 10:52:23 11 BY THE WITNESS:
 10:52:23 12 A. Acting on the advice of my attorney I
 10:52:25 13 choose not to answer your question based on the
 10:52:28 14 rights afforded me in the Fifth Amendment to the
 10:52:30 15 United States Constitution.
 10:52:31 16 BY MR. AINSWORTH:
 10:52:33 17 Q. Tell me how many times you observed an
 10:52:37 18 Area 2 police officer hold a typewriter cover over a
 10:52:42 19 suspect's head in an effort to get that suspect to
 10:52:45 20 give a false and involuntary statement.
 10:52:47 21 MS. GUNN: Objection. Form. Assumes facts not
 10:52:51 22 in evidence. Foundation.
 10:52:51 23 BY THE WITNESS:
 10:52:53 24 A. Acting on the advice of my attorney I

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10:52:55 1 choose not to answer your question based on the
 10:52:57 2 rights afforded me in the Fifth Amendment to the
 10:53:01 3 United States Constitution.
 10:53:01 4 BY MR. AINSWORTH:
 10:53:02 5 Q. Tell me how many times you observed a
 10:53:06 6 Chicago police officer in Area 2 hold a plastic
 10:53:10 7 bag -- plastic typewriter cover over a suspect's
 10:53:13 8 head.
 10:53:13 9 MS. GUNN: Objection. Form. Foundation.
 10:53:15 10 Assumes facts not in evidence.
 10:53:16 11 BY THE WITNESS:
 10:53:17 12 A. Acting on the advice of my attorney I
 10:53:19 13 choose not to answer your question based on the
 10:53:22 14 rights afforded me in the Fifth Amendment to the
 10:53:24 15 United States Constitution.
 10:53:24 16 BY MR. AINSWORTH:
 10:53:26 17 Q. In May of 1986 did you observe the
 10:53:29 18 following message etched into the bench that Aaron
 10:53:32 19 Patterson had been sitting on: "Aaron. 4:30. I lie
 10:53:37 20 about murders. Police threaten me with violence.
 10:53:40 21 Slapped and suffocated me with plastic. No lawyer or
 10:53:44 22 dad. No phone?"
 10:53:45 23 MS. GUNN: Objection. Form. Assumes facts not
 10:53:48 24 in evidence.

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10:53:48 1 BY THE WITNESS:
 10:53:48 2 A. Acting on the advice of my attorney I
 10:53:51 3 choose not to answer your question based on the
 10:53:53 4 rights afforded me in the Fifth Amendment to the
 10:53:56 5 United States Constitution.
 10:53:56 6 BY MR. AINSWORTH:
 10:53:57 7 Q. Isn't it true that Aaron Patterson
 10:53:59 8 requested a lawyer during his interrogation while you
 10:54:03 9 were present?
 10:54:04 10 MS. GUNN: Objection. Form. Assumes facts not
 10:54:08 11 in evidence.
 10:54:08 12 BY THE WITNESS:
 10:54:09 13 A. Acting on the advice of my attorney I
 10:54:11 14 choose not to answer your question based on the
 10:54:14 15 rights afforded me in the Fifth Amendment to the
 10:54:18 16 United States Constitution.
 10:54:19 17 BY MR. AINSWORTH:
 10:54:19 18 Q. Isn't it true that Aaron Patterson asked
 10:54:22 19 to speak to his father during his interrogation,
 10:54:25 20 stating that his father was a Chicago police officer?
 10:54:28 21 MS. GUNN: Objection. Form. Assumes facts not
 10:54:31 22 in evidence.
 10:54:31 23 BY THE WITNESS:
 10:54:33 24 A. Acting on the advice of my attorney I

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10:54:35 1 choose not to answer your question based on the
 10:54:37 2 rights afforded me in the Fifth Amendment to the
 10:54:40 3 United States Constitution.
 10:54:40 4 BY MR. AINSWORTH:
 10:54:41 5 Q. Isn't it true that you heard Aaron
 10:54:43 6 Patterson ask to speak to his dad, saying that his
 10:54:47 7 dad was a Chicago police officer, during his
 10:54:51 8 interrogation on April 30th, 1986?
 10:54:56 9 A. Acting on the advice of my attorney I
 10:54:58 10 choose not to answer your question based on the
 10:55:01 11 rights afforded me in the Fifth Amendment to the
 10:55:04 12 United States Constitution.
 10:55:07 13 BY MR. AINSWORTH:
 10:55:08 14 Q. Isn't it true that inside Area 2 and prior
 10:55:14 15 to April 19th, 1986 you saw Jon Burge with a black
 10:55:20 16 box that he used to deliver electrical charges to
 10:55:23 17 suspects inside Area 2?
 10:55:26 18 MS. GUNN: Objection. Form. Foundation.
 10:55:29 19 Assumes facts not in evidence.
 10:55:30 20 BY THE WITNESS:
 10:55:35 21 A. Acting on the advice of my attorney I
 10:55:37 22 choose not to answer your question based on the
 10:55:39 23 rights afforded me in the Fifth Amendment to the
 10:55:45 24 United States Constitution.

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10:55:46 1 BY MR. AINSWORTH:

10:55:46 2 Q. Isn't it true that prior to April 19th,

10:55:49 3 1986 you observed Jon Burge deliver an electrical

10:55:52 4 shock to a suspect in an effort to get that suspect

10:55:55 5 to give a false and involuntary statement?

10:55:57 6 MS. GUNN: Objection. Form. Foundation.

10:56:01 7 Assumes facts not in evidence.

10:56:01 8 BY THE WITNESS:

10:56:02 9 A. Acting on the advice of my attorney I

10:56:04 10 choose not to answer your question based on the

10:56:06 11 rights afforded me in the Fifth Amendment to the

10:56:08 12 United States Constitution.

10:56:09 13 BY MR. AINSWORTH:

10:56:11 14 Q. Prior to April 30th, 1986 did you talk

10:56:28 15 with -- strike that.

10:56:29 16 Prior to April 30th, 1986 isn't it true

10:56:33 17 that you spoke with Jon Burge about his desire to

10:56:39 18 have Aaron Patterson be implicated in the Sanchez

10:56:43 19 murders?

10:56:43 20 MS. GUNN: Objection. Form. Assumes facts not

10:56:47 21 in evidence. Foundation.

10:56:47 22 BY THE WITNESS:

10:56:48 23 A. Acting on the advice of my attorney I

10:56:50 24 choose not to answer your question based on the

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10:56:52 1 rights afforded me in the Fifth Amendment to the

10:56:57 2 United States Constitution.

10:56:58 3 BY MR. AINSWORTH:

10:56:59 4 Q. Isn't it true that in April of 1986 you

10:57:02 5 witnessed Jon Burge threatening Michael Arbuckle in

10:57:07 6 an interrogation room at Area 2?

10:57:11 7 MS. GUNN: Sorry. Objection. Form. Assumes

10:57:14 8 facts not in evidence.

10:57:14 9 BY THE WITNESS:

10:57:14 10 A. Acting on the advice of my attorney I

10:57:17 11 choose not to answer your question based on the

10:57:19 12 rights afforded me in the Fifth Amendment to the

10:57:23 13 United States Constitution.

10:57:23 14 BY MR. AINSWORTH:

10:57:24 15 Q. Isn't it true that you heard Jon Burge

10:57:27 16 threaten Michael Arbuckle that if he didn't implicate

10:57:31 17 Aaron Patterson that Jon Burge would have drug

10:57:34 18 dealers testify falsely against Michael Arbuckle?

10:57:38 19 MS. GUNN: Objection. Form. Assumes facts not

10:57:41 20 in evidence. Foundation.

10:57:41 21 BY THE WITNESS:

10:57:42 22 A. Acting on the advice of my attorney I

10:57:45 23 choose not to answer your question based on the

10:57:47 24 rights afforded me in the Fifth Amendment to the

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10:57:50 1 United States Constitution.

10:57:50 2 BY MR. AINSWORTH:

10:57:51 3 Q. Isn't it true that you heard Jon Burge

10:57:55 4 threaten Michael Arbuckle that if he didn't cooperate

10:57:59 5 by implicating Aaron Patterson that Jon Burge would

10:58:04 6 subject Michael Arbuckle to electric shock?

10:58:07 7 MS. GUNN: Objection. Form. Assumes facts not

10:58:12 8 in evidence. Foundation.

10:58:12 9 BY THE WITNESS:

10:58:13 10 A. Acting on the advice of my attorney I

10:58:16 11 choose not to answer your question based on the

10:58:18 12 rights afforded me in the Fifth Amendment to the

10:58:28 13 United States Constitution.

10:58:41 14 BY MR. AINSWORTH:

10:58:41 15 Q. Isn't it true that you saw Jon Burge enter

10:58:44 16 a room which held Aaron Patterson with his revolver?

10:58:51 17 MS. GUNN: Is that the end of the question?

10:58:53 18 Objection. Form. Foundation. Assumes facts not in

10:58:56 19 evidence.

10:58:56 20 BY THE WITNESS:

10:58:57 21 A. Acting on the advice of my attorney I

10:59:00 22 choose not to answer your question based on the

10:59:02 23 rights afforded me in the Fifth Amendment to the

10:59:05 24 United States Constitution.

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10:59:05 1 BY MR. AINSWORTH:

10:59:06 2 Q. Isn't it true that you observed defendant

10:59:09 3 Burge enter the room where Aaron Patterson was with

10:59:13 4 his revolver screaming, "You're fucking up"?

10:59:19 5 MS. GUNN: Objection. Form. Assumes facts not

10:59:21 6 in evidence. Foundation.

10:59:21 7 BY THE WITNESS:

10:59:22 8 A. Acting on the advice of my attorney I

10:59:24 9 choose not to answer your question based on the

10:59:26 10 rights afforded me in the Fifth Amendment to the

10:59:29 11 United States Constitution.

10:59:30 12 BY MR. AINSWORTH:

10:59:31 13 Q. Isn't it true that you observed Jon Burge

10:59:33 14 take out his revolver and place it on the table in

10:59:36 15 front of Aaron Patterson?

10:59:38 16 MS. GUNN: Objection. Form. Assumes facts not

10:59:40 17 in evidence. Foundation.

10:59:40 18 BY THE WITNESS:

10:59:42 19 A. Acting on the advice of my attorney I

10:59:46 20 choose not to answer your question based on the

10:59:48 21 rights afforded me in the Fifth Amendment to the

10:59:51 22 United States Constitution.

10:59:52 23 BY MR. AINSWORTH:

10:59:53 24 Q. Isn't it true that you heard Jon Burge

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10:59:57 1 tell Aaron Patterson something to the effect of "If
 11:00:00 2 you don't do what we tell you to, you're gonna get
 11:00:04 3 something worse than before. It will have been a
 11:00:07 4 snap compared to what you will get"?
 11:00:09 5 MS. GUNN: Objection. Form. Assumes facts not
 11:00:13 6 in evidence. Foundation.
 11:00:13 7 BY THE WITNESS:
 11:00:15 8 A. Acting on the advice of my attorney I
 11:00:17 9 choose not to answer your question based on the
 11:00:20 10 rights afforded me in the Fifth Amendment to the
 11:00:24 11 United States Constitution.
 11:00:25 12 BY MR. AINSWORTH:
 11:00:30 13 Q. Isn't it true that you observed in May of
 11:00:32 14 1986 etched onto the bench where Aaron Patterson had
 11:00:39 15 been sitting a statement saying, "Signed false
 11:00:42 16 statement to murders. Punch on statements is the
 11:00:44 17 code word. Aaron."
 11:00:46 18 MS. GUNN: Objection to form. Assumes facts not
 11:00:48 19 in evidence.
 11:00:48 20 BY THE WITNESS:
 11:00:49 21 A. Acting on the advice of my attorney I
 11:00:51 22 choose not to answer your question based on the
 11:00:53 23 rights afforded me in the Fifth Amendment to the
 11:00:55 24 United States Constitution.

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11:00:56 1 BY MR. AINSWORTH:
 11:01:07 2 Q. Isn't it true that the first time that --
 11:01:10 3 well, strike that.
 11:01:12 4 Isn't it true that one of your fellow
 11:01:15 5 detectives in the interrogation room with Aaron
 11:01:18 6 Patterson suggested to Aaron Patterson that he had
 11:01:22 7 committed the Sanchez murders along with Eric Caine,
 11:01:27 8 Michael Arbuckle and Illya Rowland?
 11:01:32 9 MS. GUNN: Objection. Form. Assumes facts not
 11:01:35 10 in evidence. Foundation. And I think it's vague.
 11:01:35 11 BY THE WITNESS:
 11:01:40 12 A. Acting on the advice of my attorney I
 11:01:43 13 choose not to answer your question based on the
 11:01:45 14 rights afforded me in the Fifth Amendment to the
 11:01:48 15 United States Constitution.
 11:01:48 16 BY MR. AINSWORTH:
 11:02:02 17 Q. Tell me which facts Aaron Patterson told
 11:02:12 18 you before any detective had -- well, strike that.
 11:02:23 19 Isn't it true that you reviewed the
 11:02:25 20 Sanchez homicide file before interrogating Aaron
 11:02:30 21 Patterson?
 11:02:30 22 MS. GUNN: Objection to form. Assumes facts not
 11:02:33 23 in evidence.
 11:02:33 24 BY THE WITNESS:

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11:02:33 1 A. Acting on the advice of my attorney I
 11:02:35 2 choose not to answer your question based on the
 11:02:38 3 rights afforded me in the Fifth Amendment to the
 11:02:41 4 United States Constitution.
 11:02:46 5 BY MR. AINSWORTH:
 11:02:47 6 Q. Isn't it true that you told Aaron
 11:02:49 7 Patterson details of the Sanchez homicides before
 11:02:51 8 Aaron Patterson had referenced any of the facts that
 11:02:56 9 you told him?
 11:02:57 10 MS. GUNN: Objection. Form. Assumes facts not
 11:03:00 11 in evidence. Foundation.
 11:03:00 12 BY THE WITNESS:
 11:03:02 13 A. Acting on the advice of my attorney I
 11:03:04 14 choose not to answer your question based on the
 11:03:06 15 rights afforded me in the Fifth Amendment to the
 11:03:08 16 United States Constitution.
 11:03:09 17 BY MR. AINSWORTH:
 11:03:12 18 Q. Isn't it true that you or Jon Burge or
 11:03:17 19 James Pienta or Raymond Madigan or William Marley or
 11:03:23 20 Daniel McWeeny suggested to Aaron Patterson that the
 11:03:27 21 time that the Sanchezes were killed would be the time
 11:03:31 22 that Aaron Patterson later related in his statement?
 11:03:35 23 MS. GUNN: Objection to form. Assumes facts not
 11:03:37 24 in evidence.

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11:03:37 1 BY THE WITNESS:
 11:03:38 2 A. Acting on the advice of my attorney I
 11:03:40 3 choose not to answer your question based on the
 11:03:43 4 rights afforded me in the Fifth Amendment to the
 11:03:46 5 United States Constitution.
 11:04:00 6 BY MR. AINSWORTH:
 11:04:00 7 Q. Tell me which facts of the Sanchez murders
 11:04:03 8 Aaron Patterson volunteered before he had been told
 11:04:07 9 them by an investigator in your presence.
 11:04:10 10 MS. GUNN: Objection. Form. Assumes facts not
 11:04:14 11 in evidence.
 11:04:14 12 BY THE WITNESS:
 11:04:14 13 A. Acting on the advice of my attorney I
 11:04:19 14 choose not to answer your question based on the
 11:04:21 15 rights afforded me in the Fifth Amendment to the
 11:04:24 16 United States Constitution.
 11:04:24 17 BY MR. AINSWORTH:
 11:04:25 18 Q. Isn't it true that you went to Mr.
 11:04:29 19 Caine's -- Mr. Eric Caine's mother's house to arrest
 11:04:33 20 him?
 11:04:33 21 A. Acting on the advice of my attorney I
 11:04:35 22 choose not to answer your question based on the
 11:04:38 23 rights afforded me in the Fifth Amendment to the
 11:04:41 24 United States Constitution.

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11:04:44 1 Q. Isn't it true that Eric Caine was
 11:04:46 2 handcuffed while he was inside his home?
 11:04:49 3 A. Acting on the advice of my attorney I
 11:04:52 4 choose not to answer your question based on the
 11:04:54 5 rights afforded me in the Fifth Amendment to the
 11:04:57 6 United States Constitution.
 11:04:57 7 Q. Isn't it true that after Eric Caine was
 11:05:01 8 handcuffed with his hands behind his back he began to
 11:05:04 9 walk down the stairs in his mother's house?
 11:05:07 10 MS. GUNN: Objection. Assumes facts not in
 11:05:08 11 evidence.
 11:05:08 12 BY THE WITNESS:
 11:05:09 13 A. Acting on the advice of my attorney I
 11:05:11 14 choose not to answer your question based on the
 11:05:13 15 rights afforded me in the Fifth Amendment to the
 11:05:16 16 United States Constitution.
 11:05:17 17 BY MR. AINSWORTH:
 11:05:18 18 Q. Isn't it true that after Eric Caine began
 11:05:21 19 walking down the stairs with his hands cuffed behind
 11:05:24 20 his back Detective Pienta pushed Eric Caine from
 11:05:29 21 behind?
 11:05:31 22 MS. GUNN: Objection. Assumes facts not in
 11:05:32 23 evidence.
 11:05:32 24 BY THE WITNESS:

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11:05:33 1 A. Acting on the advice of my attorney I
 11:05:35 2 choose not to answer your question based on the
 11:05:37 3 rights afforded me in the Fifth Amendment to the
 11:05:40 4 United States Constitution.
 11:05:41 5 BY MR. AINSWORTH:
 11:05:42 6 Q. Isn't it true that after Eric Caine was
 11:05:44 7 pushed from behind by Detective Pienta Eric Caine
 11:05:49 8 lost his balance and fell down the stairs?
 11:05:52 9 MS. GUNN: Objection. Form. Assumes facts not
 11:05:54 10 in evidence.
 11:05:54 11 BY THE WITNESS:
 11:05:55 12 A. Acting on the advice of my attorney I
 11:05:59 13 choose not to answer your question based on the
 11:06:00 14 rights afforded me in the Fifth Amendment to the
 11:06:03 15 United States Constitution.
 11:06:03 16 BY MR. AINSWORTH:
 11:06:05 17 Q. Isn't it true that you were at the bottom
 11:06:07 18 of the stairs when you saw Detective Pienta push Eric
 11:06:09 19 Caine down the stairs?
 11:06:11 20 MS. GUNN: Objection to form. Assumes facts not
 11:06:14 21 in evidence.
 11:06:14 22 BY THE WITNESS:
 11:06:15 23 A. Acting on the advice of my attorney I
 11:06:17 24 choose not to answer your question based on the

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11:06:19 1 rights afforded me in the Fifth Amendment to the
 11:06:21 2 United States Constitution.
 11:06:22 3 BY MR. AINSWORTH:
 11:06:22 4 Q. Isn't it true that when Eric Caine began
 11:06:26 5 to fall down the stairs, you caught him at the bottom
 11:06:30 6 of the stairs, thereby preventing him from hitting
 11:06:35 7 the ground?
 11:06:36 8 MS. GUNN: Objection. Form. Assumes facts not
 11:06:41 9 in evidence.
 11:06:41 10 BY THE WITNESS:
 11:06:42 11 A. Acting on the advice of my attorney I
 11:06:45 12 choose not to answer your question based on the
 11:06:46 13 rights afforded me in the Fifth Amendment to the
 11:06:49 14 United States Constitution.
 11:06:49 15 BY MR. AINSWORTH:
 11:06:50 16 Q. Isn't it true that you heard one of your
 11:06:54 17 fellow detectives tell Aaron Patterson that the
 11:06:59 18 detectives would have killed him if they had been the
 11:07:02 19 ones to arrest him?
 11:07:04 20 MS. GUNN: Objection. Form. Assumes facts not
 11:07:08 21 in evidence. Foundation.
 11:07:08 22 BY THE WITNESS:
 11:07:09 23 A. Acting on -- acting on the advice of my
 11:07:11 24 attorney I choose not to answer your question based

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11:07:13 1 on the rights afforded me in the Fifth Amendment to
 11:07:17 2 the United States Constitution.
 11:07:18 3 BY MR. AINSWORTH:
 11:07:19 4 Q. Isn't it true that you heard Detective
 11:07:26 5 Pienta tell Aaron Patterson that if he and his fellow
 11:07:28 6 detectives had been the ones to arrest him, they
 11:07:32 7 would have killed him?
 11:07:33 8 MS. GUNN: Objection. Form. Assumes facts not
 11:07:33 9 in evidence.
 11:07:33 10 BY THE WITNESS:
 11:07:33 11 A. Acting --
 11:07:37 12 MS. GUNN: Foundation.
 11:07:37 13 BY THE WITNESS:
 11:07:38 14 A. I'm sorry. Acting on the advice of my
 11:07:40 15 attorney I choose not to answer your question based
 11:07:42 16 on the rights afforded me in the Fifth Amendment to
 11:07:46 17 the United States Constitution.
 11:07:46 18 BY MR. AINSWORTH:
 11:07:49 19 Q. Isn't it true that you heard Detective
 11:07:57 20 Pienta tell Eric Caine that he would have killed Eric
 11:08:01 21 Caine but for the fact that Sergeant Wilson knew Eric
 11:08:06 22 Caine's mother?
 11:08:07 23 MS. GUNN: Objection. Form. Assumes facts not
 11:08:10 24 in evidence.

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11:08:10 1 BY THE WITNESS:

11:08:11 2 A. Acting on the advice of my attorney I

11:08:13 3 choose not to answer your question based on the

11:08:16 4 rights afforded me in the Fifth Amendment to the

11:08:18 5 United States Constitution.

11:08:19 6 BY MR. AINSWORTH:

11:08:20 7 Q. Isn't it true that when you transported

11:08:22 8 Aaron Patterson to Area 2, he was transported with

11:08:28 9 another person by the names of James Hill?

11:08:30 10 MS. GUNN: Objection. Form. Assumes facts not

11:08:32 11 in evidence.

11:08:32 12 BY THE WITNESS:

11:08:34 13 A. Acting on the advice of my attorney I

11:08:36 14 choose not to answer your question based on the

11:08:39 15 rights afforded me in the Fifth Amendment to the

11:08:42 16 United States Constitution.

11:08:42 17 BY MR. AINSWORTH:

11:08:43 18 Q. Isn't it true that during the ride into

11:08:46 19 Area 2 in which Aaron Patterson and James Hill were

11:08:51 20 passengers one of the detectives that you were riding

11:08:53 21 with struck James Hill in the face?

11:08:56 22 MS. GUNN: Objection. Form. Assumes facts not

11:08:59 23 in evidence. Foundation.

11:08:59 24 BY THE WITNESS:

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11:09:01 1 A. Acting on the advice of my attorney I

11:09:03 2 choose not to answer your question based on the

11:09:05 3 rights afforded me in the Fifth Amendment to the

11:09:09 4 United States Constitution.

11:09:09 5 BY MR. AINSWORTH:

11:09:11 6 Q. Isn't it true that you struck James Hill

11:09:15 7 in the -- in the chest during the ride to Area 2?

11:09:18 8 MS. GUNN: Objection. Form. Assumes facts not

11:09:21 9 in evidence.

11:09:21 10 BY THE WITNESS:

11:09:22 11 A. Acting on the advice of my attorney I

11:09:25 12 choose not to answer your question based on the

11:09:27 13 rights afforded me in the Fifth Amendment to the

11:09:31 14 United States Constitution.

11:09:32 15 BY MR. AINSWORTH:

11:09:33 16 Q. Isn't it true that you observed Detective

11:09:36 17 Pienta strike James Hill in the chest during the ride

11:09:38 18 to Area 2 headquarters?

11:09:40 19 MS. GUNN: Objection. Form. Assumes facts not

11:09:43 20 in evidence.

11:09:43 21 BY THE WITNESS:

11:09:44 22 A. Acting on the advice of my attorney I

11:09:47 23 choose not to answer your question based on the

11:09:49 24 rights afforded me in Fifth Amendment to the United

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11:09:54 1 States Constitution.

11:09:54 2 BY MR. AINSWORTH:

11:09:55 3 Q. Isn't it true that you observed Detective

11:09:58 4 Marley strike James Hill on the ride to Area 2 where

11:10:03 5 Aaron Patterson was also a passenger?

11:10:06 6 MS. GUNN: Objection. Form. Assumes facts not

11:10:08 7 in evidence.

11:10:08 8 BY THE WITNESS:

11:10:09 9 A. Acting on the advice of my attorney I

11:10:12 10 choose not answer your question based on the rights

11:10:14 11 afforded me in the Fifth Amendment to the United

11:10:17 12 States Constitution.

11:10:17 13 BY MR. AINSWORTH:

11:10:28 14 Q. Isn't it true that you interrogated Eric

11:10:31 15 Caine on April 30th and May 1st, 1986?

11:10:37 16 A. Acting on the advice of my attorney I

11:10:39 17 choose not to answer your question based on the

11:10:42 18 rights afforded me in the Fifth Amendment to the

11:10:46 19 United States Constitution.

11:10:52 20 Q. Isn't it true that you and Detectives

11:10:54 21 Pienta and Marley reached an agreement to use force

11:10:56 22 against Eric Caine to get him to falsely implicate

11:11:00 23 himself in the Sanchez murders?

11:11:04 24 MS. GUNN: Objection. Form. Assumes facts not

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11:11:08 1 in evidence. Foundation.

11:11:08 2 BY THE WITNESS:

11:11:09 3 A. Acting on the advice of my attorney I

11:11:11 4 choose not to answer your question based on the

11:11:13 5 rights afforded me in the Fifth Amendment to the

11:11:16 6 United States Constitution.

11:11:17 7 BY MR. AINSWORTH:

11:11:17 8 Q. Isn't it true that you observed Eric Caine

11:11:20 9 being brought into the room where Aaron Patterson was

11:11:23 10 after Aaron Patterson had been beaten by Area 2

11:11:26 11 detectives?

11:11:26 12 MS. GUNN: Objection. Form. Assumes facts not

11:11:30 13 in evidence.

11:11:30 14 BY THE WITNESS:

11:11:34 15 A. Acting on the advice of my attorney I

11:11:34 16 choose not to answer your question based on the

11:11:37 17 rights afforded me in the Fifth Amendment to the

11:11:40 18 United States Constitution.

11:11:41 19 BY MR. AINSWORTH:

11:11:41 20 Q. Isn't it true that you knew that Detective

11:11:44 21 Pienta brought Eric Caine into the room where Aaron

11:11:49 22 Patterson was and that -- strike that.

11:11:51 23 Isn't it true that you observed Detective

11:11:55 24 Pienta bring Eric Caine into the room where Aaron

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11:11:58 1 Patterson was and that you knew that the only reason
 11:12:00 2 Eric Caine was brought into that room was to
 11:12:04 3 intimidate Eric Caine into giving a false and
 11:12:08 4 involuntary statement?
 11:12:10 5 MS. GUNN: Objection. Form. And assumes facts
 11:12:17 6 not in evidence.
 11:12:17 7 BY THE WITNESS:
 11:12:18 8 A. Acting on the advice of my attorney I
 11:12:20 9 choose not to answer your question based on the
 11:12:22 10 rights afforded me in the Fifth Amendment to the
 11:12:26 11 United States Constitution.
 11:12:26 12 MS. GUNN: Can we hold on one minute?
 11:12:29 13 MR. AINSWORTH: Sure. Let's take a break.
 11:12:30 14 MS. GUNN: Let's take a break.
 11:12:33 15 THE VIDEOGRAPHER: Off the record. 11:12.
 11:23:49 16 (Recess.)
 11:23:52 17 MR. AINSWORTH: Would you read the last question
 11:23:55 18 back, please?
 11:23:58 19 (Record read as requested.)
 11:24:00 20 THE VIDEOGRAPHER: Back on the record. 11:24.
 11:24:09 21 BY MR. AINSWORTH:
 11:24:10 22 Q. Isn't it true that you observed Detectives
 11:24:13 23 Marley and Pienta provide Eric Caine with details of
 11:24:18 24 the Sanchez homicide before Eric Caine had

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11:24:21 1 volunteered any of those details?
 11:24:23 2 MS. GUNN: Objection. Form. Assumes facts not
 11:24:27 3 in evidence. Foundation.
 11:24:27 4 BY THE WITNESS:
 11:24:28 5 A. Acting on the advice of my attorney I
 11:24:30 6 choose not to answer your question based on the
 11:24:32 7 rights afforded me in the Fifth Amendment to the
 11:24:35 8 United States Constitution.
 11:24:36 9 BY MR. AINSWORTH:
 11:24:40 10 Q. Isn't it true that you observed Detective
 11:24:43 11 Pienta strike Eric Caine in the chest?
 11:24:45 12 MS. GUNN: Objection. Form. Assumes facts not
 11:24:48 13 in evidence.
 11:24:48 14 BY THE WITNESS:
 11:24:49 15 A. Acting on the advice of my attorney I
 11:24:55 16 choose not to answer your question based on the
 11:24:57 17 rights afforded me in the Fifth Amendment to the
 11:25:00 18 United States Constitution.
 11:25:00 19 BY MR. AINSWORTH:
 11:25:01 20 Q. Isn't it true that Detective Pienta told
 11:25:03 21 you that he struck Eric Caine in the chest?
 11:25:06 22 MS. GUNN: Objection. Form. Assumes facts not
 11:25:08 23 in evidence. Foundation.
 11:25:09 24 BY THE WITNESS:

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11:25:09 1 A. Acting on the advice of my attorney I
 11:25:12 2 choose not to answer your question based on the
 11:25:14 3 rights afforded me in the Fifth Amendment to the
 11:25:17 4 United States Constitution.
 11:25:17 5 BY MR. AINSWORTH:
 11:25:18 6 Q. Isn't it true that Detective Madigan told
 11:25:20 7 you that he struck Eric Caine in the side of his
 11:25:24 8 head?
 11:25:25 9 MS. GUNN: Objection. Form. Assumes facts not
 11:25:29 10 in evidence. Foundation.
 11:25:29 11 BY THE WITNESS:
 11:25:30 12 A. Acting on the advice of my attorney I
 11:25:33 13 choose not to answer your question based on the
 11:25:35 14 rights afforded me in the Fifth Amendment to the
 11:25:37 15 United States Constitution.
 11:25:38 16 BY MR. AINSWORTH:
 11:25:39 17 Q. Isn't it true that Detective Madigan told
 11:25:41 18 you that he had kicked Eric Caine in the torso during
 11:25:45 19 his interrogation?
 11:25:46 20 MS. GUNN: Objection. Form. Assumes facts not
 11:25:49 21 in evidence. Foundation.
 11:25:49 22 BY THE WITNESS:
 11:25:50 23 A. Acting on the advice of my attorney I
 11:25:52 24 choose not to answer your question based on the

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11:25:55 1 rights afforded me in the Fifth Amendment to the
 11:25:58 2 United States Constitution.
 11:25:58 3 BY MR. AINSWORTH:
 11:25:59 4 Q. Isn't it true that you heard Eric Caine
 11:26:01 5 cry out in pain when he was in a room --
 11:26:05 6 interrogation room with Detective Madigan?
 11:26:07 7 MS. GUNN: Objection.
 11:26:09 8 Wait. I'm sorry. Can I have that
 11:26:20 9 question read back?
 11:26:20 10 (Record read as requested.)
 11:26:21 11 MS. GUNN: Objection. Form. Assumes facts not
 11:26:23 12 in evidence.
 11:26:23 13 BY THE WITNESS:
 11:26:24 14 A. Acting on the advice of my attorney I
 11:26:25 15 choose not to answer your question based on the
 11:26:28 16 rights afforded me in the Fifth Amendment to the
 11:26:30 17 United States Constitution.
 11:26:30 18 BY MR. AINSWORTH:
 11:26:33 19 Q. Isn't it true that you reached an
 11:26:36 20 agreement with Detectives Burge, Pienta and Marley
 11:26:40 21 and Madigan to get Eric Caine to give a false and
 11:26:47 22 involuntary statement implicating himself in the
 11:26:51 23 Sanchez homicides?
 11:26:52 24 MS. GUNN: Objection. Form. Assumes facts not

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11:26:56 1 in evidence. Foundation.
 11:26:56 2 BY THE WITNESS:
 11:26:56 3 A. Acting on the advice of my attorney I
 11:26:58 4 choose not to answer your question based on the
 11:27:01 5 rights afforded me in the Fifth Amendment to the
 11:27:03 6 United States Constitution.
 11:27:03 7 BY MR. AINSWORTH:
 11:27:06 8 Q. Isn't it true that you reached that
 11:27:09 9 agreement prior to the time that Eric Caine gave a
 11:27:13 10 statement to the State's Attorney on May 1st, 1986?
 11:27:18 11 MS. GUNN: Objection. Form. Assumes facts not
 11:27:20 12 in evidence.
 11:27:20 13 BY THE WITNESS:
 11:27:21 14 A. Acting on the advice of my attorney I
 11:27:24 15 choose not to answer your question based on the
 11:27:26 16 rights afforded me in the Fifth Amendment to the
 11:27:28 17 United States Constitution.
 11:27:29 18 BY MR. AINSWORTH:
 11:27:57 19 Q. Isn't it true that you had observed Area 2
 11:28:01 20 police detectives strike criminal suspects on the
 11:28:06 21 side of their heads in an effort to get them to give
 11:28:10 22 involuntary statements prior to April 30th, 1986?
 11:28:14 23 MS. GUNN: Objection. Form. Assumes facts not
 11:28:17 24 in evidence. Foundation.

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11:28:22 1 MR.ARGER: I still have a standing objection,
 11:28:25 2 right?
 11:28:25 3 MR. AINSWORTH: That's why it's a standing
 11:28:27 4 objection.
 11:28:27 5 MR.ARGER: Okay. Thank you.
 11:28:27 6 BY THE WITNESS:
 11:28:29 7 A. Acting on the advice of my attorney I
 11:28:30 8 choose not to answer your question based on the
 11:28:32 9 rights afforded me in the Fifth Amendment to the
 11:28:36 10 United States Constitution.
 11:28:37 11 BY MR. AINSWORTH:
 11:28:38 12 Q. Isn't it true that you -- you had observed
 11:28:39 13 Detective Madigan strike a suspect in the side of the
 11:28:44 14 head prior to April 30th, 1986 in an effort to get
 11:28:49 15 that person to give an involuntary statement?
 11:28:52 16 MS. GUNN: Objection. Form. Assumes facts not
 11:28:57 17 in evidence. Foundation.
 11:28:57 18 BY THE WITNESS:
 11:28:59 19 A. Acting on the advice of my attorney I
 11:29:02 20 choose not to answer your question based on the
 11:29:04 21 rights afforded me in the Fifth Amendment to the
 11:29:07 22 United States Constitution.
 11:29:07 23 BY MR. AINSWORTH:
 11:29:08 24 Q. Isn't it true that you were questioned by

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11:29:11 1 persons working with the Office of Professional
 11:29:14 2 Standards during the 1980s about your work as an Area
 11:29:18 3 2 police detective?
 11:29:23 4 MS. GUNN: Objection. Foundation.
 11:29:26 5 BY THE WITNESS:
 11:29:27 6 A. Acting on the advice of my attorney I
 11:29:31 7 choose not to answer your question based on the
 11:29:33 8 rights afforded me in the Fifth Amendment to the
 11:29:36 9 United States Constitution.
 11:29:37 10 BY MR. AINSWORTH:
 11:29:50 11 Q. Isn't it true that on April 30th, 1986 and
 11:29:56 12 May 1st, 1986 you had no fear that if you violated a
 11:30:01 13 suspect's constitutional rights that OPS would
 11:30:07 14 discipline you in any way?
 11:30:09 15 MS. GUNN: Objection. Form. Assumes facts not
 11:30:12 16 in evidence. Foundation.
 11:30:13 17 BY THE WITNESS:
 11:30:14 18 A. Acting on the advice of my attorney I
 11:30:16 19 choose not to answer your question based on the
 11:30:19 20 rights afforded me in the Fifth Amendment to the
 11:30:25 21 United States Constitution.
 11:30:25 22 BY MR. AINSWORTH:
 11:30:26 23 Q. On April 30th, 1986 were you aware of OPS
 11:30:30 24 disciplining any Chicago police detective at Area 2

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11:30:35 1 for ever abusing a criminal suspect?
 11:30:39 2 MS. GUNN: Object to the form. Assumes facts
 11:30:46 3 not in evidence.
 11:30:46 4 BY THE WITNESS:
 11:30:47 5 A. Acting on the advice of my attorney I
 11:30:50 6 choose not to answer your question based on the
 11:30:52 7 rights afforded me in the Fifth Amendment to the
 11:30:55 8 United States Constitution.
 11:30:56 9 BY MR. AINSWORTH:
 11:31:02 10 Q. Isn't it true that you had discussed with
 11:31:08 11 your -- with fellow Area 2 detectives prior to April
 11:31:12 12 30th, 1986 the fact that OPS would not discipline any
 11:31:18 13 Area 2 police detective for abusing a suspect's
 11:31:22 14 constitutional rights?
 11:31:23 15 MS. GUNN: Objection. Form. Assumes facts not
 11:31:26 16 in evidence. Foundation.
 11:31:26 17 BY THE WITNESS:
 11:31:27 18 A. Acting on the advice of my attorney I
 11:31:29 19 choose not to answer your question based on the
 11:31:31 20 rights afforded me in the Fifth Amendment to the
 11:31:34 21 United States Constitution.
 11:31:34 22 BY MR. AINSWORTH:
 11:31:52 23 Q. Isn't it true that when you were
 11:31:56 24 interrogating Eric Caine you knew that he was

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11:31:59 1 innocent of the Sanchez murders?

11:32:04 2 A. Acting on the advice of my attorney I

11:32:06 3 choose not to answer your question based on the

11:32:08 4 rights afforded me in the Fifth Amendment to the

11:32:11 5 United States Constitution.

11:32:13 6 Q. Isn't it true that when you were

11:32:17 7 interrogating Aaron Patterson you knew that he was

11:32:23 8 innocent of the Sanchez murders?

11:32:28 9 A. Acting on the advice of my attorney I

11:32:30 10 choose not to answer your question based on the

11:32:33 11 rights afforded me in the Fifth Amendment to the

11:32:35 12 United States Constitution.

11:32:38 13 Q. Sorry. I should have asked you this

11:32:39 14 earlier. But is there any -- without telling me what

11:32:43 15 it is, is there any medical condition or medication

11:32:45 16 that you're taking today that would prevent you from

11:32:48 17 being able to answer questions here truthfully and

11:32:51 18 accurately?

11:32:52 19 MS. GUNN: You can answer.

11:32:53 20 BY THE WITNESS:

11:32:53 21 A. No.

11:32:54 22 BY MR. AINSWORTH:

11:32:55 23 Q. What is the good faith basis, or do you

11:32:58 24 have a good faith basis for asserting your Fifth

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11:33:02 1 Amendment rights in response to questions here today?

11:33:04 2 MS. GUNN: I'm gonna object to that and advise

11:33:06 3 him not to answer. He's already advised you that

11:33:10 4 he's acting on the advice of his counsel.

11:33:12 5 BY MR. AINSWORTH:

11:33:12 6 Q. You can answer, sir.

11:33:14 7 MS. GUNN: I've advised you not to answer.

11:33:18 8 I've advised him not to answer.

11:33:19 9 BY MR. AINSWORTH:

11:33:20 10 Q. So, you're gonna take your attorney's

11:33:23 11 advice and not answer the question?

11:33:24 12 A. Correct.

11:33:25 13 Q. Tell me in your mind the good faith basis

11:33:28 14 that you have to assert your Fifth Amendment rights

11:33:30 15 here today.

11:33:31 16 MS. GUNN: I believe that's -- asked and

11:33:33 17 answered. I believe that's the exact same question

11:33:35 18 you just asked.

11:33:36 19 MR. AINSWORTH: No, the first question was do

11:33:38 20 you have a good faith basis. Now I'm asking --

11:33:40 21 MS. GUNN: Okay. And again I will advise him

11:33:44 22 not to answer as he's already advised that he's

11:33:49 23 acting on the advice of his attorney.

11:33:51 24 MR. AINSWORTH: So, just to be clear, are you

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11:33:51 1 asserting that it's privileged under the

11:33:53 2 attorney-client privilege, or what privilege are you

11:33:54 3 asserting?

11:33:55 4 MS. GUNN: He's -- he's already answered the

11:33:57 5 question. He's told you his basis for asserting his

11:34:01 6 Fifth Amendment rights is the advice of his attorney.

11:34:01 7 MR. AINSWORTH: Well, I'm just -- just tell me.

11:34:03 8 Are you asserting a privilege and directing him not

11:34:06 9 to answer. And if so --

11:34:07 10 MS. GUNN: I'm directing him not to answer

11:34:11 11 because it's asked and answered. And he's already

11:34:11 12 given you the basis for assertion of his Fifth

11:34:12 13 Amendment rights, acting on his attorney's advice,

11:34:14 14 and that's privileged. My conversation with him

11:34:16 15 giving him that advice is privileged.

11:34:18 16 MR. AINSWORTH: Okay. So, it's the

11:34:21 17 attorney-client privilege; fair?

11:34:22 18 MS. GUNN: Fair as I just described it to you.

11:34:26 19 MR. AINSWORTH: Well, we can agree that -- just

11:34:32 20 because you think any question is asked and answered,

11:34:34 21 I would disagree with that. That's not a basis to

11:34:36 22 tell somebody not to answer, right?

11:34:39 23 MS. GUNN: Fair enough.

11:34:40 24 MR. AINSWORTH: So, you're -- I just want the

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11:34:45 1 record to be clear so that if there's any question

11:34:48 2 later, it's the attorney-client privilege that is the

11:34:51 3 basis on which you're telling him -- directing him

11:34:54 4 not to answer?

11:34:54 5 MS. GUNN: And his Fifth Amendment privilege.

11:34:56 6 BY MR. AINSWORTH:

11:34:56 7 Q. Okay. Are you gonna take your attorney's

11:34:58 8 advice and not answer the -- that question?

11:35:00 9 A. Yes, I'm going to take my attorney's

11:35:02 10 advice.

11:35:03 11 Q. Tell me the names of every attorney that

11:35:09 12 you've consulted with in order to determine whether

11:35:12 13 or not you have a good faith basis to assert your

11:35:16 14 Fifth Amendment rights at your deposition here today.

11:35:20 15 I don't want to hear what you said about

11:35:24 16 it. I just want to hear the attorneys that you

11:35:26 17 consulted with, the names of them.

11:35:27 18 MS. GUNN: You can give him the names of the

11:35:29 19 attorneys.

11:35:29 20 BY THE WITNESS:

11:35:32 21 A. On this particular case?

11:35:33 22 BY MR. AINSWORTH:

11:35:34 23 Q. Yes. Or for today's deposition.

11:35:34 24 BY THE WITNESS:

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11:35:43 1 A. Beth is the only other one that we've
 11:35:46 2 talked to, that I've talked to.
 11:35:47 3 MS. GUNN: I can't give you the answer.
 11:35:47 4 BY THE WITNESS:
 11:35:50 5 A. Yeah. Beth. My apologies. I don't know
 11:35:54 6 her last name. Same firm.
 11:35:56 7 BY MR. AINSWORTH:
 11:35:57 8 Q. Beth Ekl?
 11:35:59 9 A. Yes.
 11:36:00 10 Q. And Christina Gunn? Christina, that's the
 11:36:03 11 woman here today.
 11:36:03 12 A. Yes, that's -- basically that I remember,
 11:36:06 13 I believe. To the best of my knowledge those are the
 11:36:08 14 only two that I've spoken to about this particular
 11:36:10 15 case.
 11:36:10 16 MS. GUNN: And for the record, that's E-k-l,
 11:36:14 17 Ekl.
 11:36:23 18 BY MR. AINSWORTH:
 11:36:23 19 Q. Isn't it true that on April 30th, 1986 you
 11:36:26 20 knew that Willie Washington had committed other home
 11:36:29 21 invasions in the neighborhood of the Sanchez murders?
 11:36:35 22 A. Acting on the advice of my attorney I
 11:36:38 23 choose not to answer your question based on the
 11:36:40 24 rights afforded me in the Fifth Amendment to the

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11:36:43 1 United States Constitution.
 11:37:12 2 MR. AINSWORTH: Let's mark this as Exhibit
 11:37:15 3 Number 1.
 11:37:16 4 (Pedersen Deposition Exhibit 1
 11:37:48 5 was marked for identification.)
 11:37:48 6 (Document tendered to the
 11:37:48 7 witness.)
 11:37:50 8 BY MR. AINSWORTH:
 11:37:50 9 Q. Showing you what's been marked as Pedersen
 11:37:54 10 Exhibit Number 1, this is a -- I think it's an
 11:38:01 11 eight-page document Bates numbered X72869 through
 11:38:08 12 X72877. And I count nine pages.
 11:38:27 13 Sir, I'd ask that you take a look through
 11:38:29 14 this document and tell me whether you drafted any
 11:38:32 15 portion of this report.
 11:38:42 16 A. Your question is did I type this -- any of
 11:38:44 17 this report?
 11:38:48 18 Q. Yes.
 11:38:50 19 A. Acting on the advice of my attorney I
 11:38:52 20 choose not to answer your question based on the
 11:38:54 21 rights afforded me in the Fifth Amendment to the
 11:38:57 22 United States Constitution.
 11:38:58 23 Q. Are you gonna assert your Fifth Amendment
 11:39:31 24 rights in response to any question that I ask you

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11:39:32 1 about this document, Exhibit Number 1?
 11:39:35 2 MS. GUNN: You can answer that.
 11:39:35 3 BY THE WITNESS:
 11:39:38 4 A. Yes.
 11:39:52 5 MS. GUNN: Will you be finished with Exhibit 1,
 11:39:56 6 then?
 11:39:57 7 MR. AINSWORTH: Yes.
 11:40:21 8 BY MR. AINSWORTH:
 11:40:22 9 Q. Tell me any discussions that you had with
 11:40:25 10 Peter Troy in regards to the Sanchez murders.
 11:40:27 11 MS. GUNN: Objection. Form. Assumes facts not
 11:40:29 12 in evidence.
 11:40:29 13 BY THE WITNESS:
 11:40:31 14 A. Acting on the advice of my attorney I
 11:40:32 15 choose not to answer your question based on the
 11:40:34 16 rights afforded me in the Fifth Amendment to the
 11:40:37 17 United States Constitution.
 11:40:38 18 BY MR. AINSWORTH:
 11:40:39 19 Q. Tell me any -- the substance of any
 11:40:42 20 discussions you had with Kip Owen.
 11:40:46 21 MS. GUNN: Objection. Form. Assumes facts not
 11:40:48 22 in evidence.
 11:40:48 23 BY THE WITNESS:
 11:40:49 24 A. Acting on the advice of my attorney I

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11:40:50 1 choose not to answer your question based on the
 11:40:52 2 rights afforded me in the Fifth Amendment to the
 11:40:56 3 United States Constitution.
 11:40:56 4 BY MR. AINSWORTH:
 11:41:03 5 Q. You've been convicted of a felony,
 11:41:15 6 correct?
 11:41:16 7 MS. GUNN: You can answer that.
 11:41:16 8 BY THE WITNESS:
 11:41:18 9 A. Yes.
 11:41:18 10 BY MR. AINSWORTH:
 11:41:19 11 Q. And that was back in 1992, is that right?
 11:41:23 12 A. Yes.
 11:41:23 13 Q. And what was the crime of which you were
 11:41:28 14 convicted?
 11:41:30 15 A. Theft of public records.
 11:41:33 16 Q. Have you ever been convicted of a crime
 11:41:38 17 apart from that time?
 11:41:39 18 MS. GUNN: You can answer.
 11:41:40 19 BY THE WITNESS:
 11:41:40 20 A. Not that I can remember.
 11:41:42 21 BY MR. AINSWORTH:
 11:41:42 22 Q. If you intend to testify or if there's a
 11:41:52 23 possibility you'll testify about subjects about
 11:41:57 24 whether you're married and whether you have kids at

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11:41:59 1 trial, I'm going to ask you those questions now. And
 11:42:02 2 you can choose to answer them or not answer them as
 11:42:05 3 you see fit. But if you don't answer them now, then
 11:42:08 4 I'll ask the Court to bar you from testifying about
 11:42:12 5 those topics at trial. So, I'll ask the questions
 11:42:16 6 and you and your attorney can make a determination as
 11:42:19 7 we go step by step.
 11:42:21 8 Are you married, sir?
 11:42:22 9 MS. GUNN: You can answer that.
 11:42:22 10 BY THE WITNESS:
 11:42:25 11 A. Yes.
 11:42:25 12 BY MR. AINSWORTH:
 11:42:26 13 Q. Do you have any children?
 11:42:26 14 A. Yes.
 11:42:26 15 Q. How many children do you have?
 11:42:28 16 A. Three.
 11:42:29 17 Q. If you have any adult children, I'd ask
 11:42:34 18 that you tell me what their occupations are.
 11:42:37 19 MS. GUNN: You can answer.
 11:42:37 20 BY THE WITNESS:
 11:42:41 21 A. I have a daughter who is a teacher. I
 11:42:45 22 have a son that's -- is a heating and
 11:42:53 23 air-conditioning technician. And I have a son that's
 11:42:56 24 a building engineer.

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11:42:58 1 BY MR. AINSWORTH:
 11:42:58 2 Q. And what is your wife's occupation?
 11:43:02 3 A. Retired.
 11:43:04 4 Q. And what was her occupation when she was
 11:43:06 5 working?
 11:43:13 6 MS. GUNN: You can answer.
 11:43:13 7 BY THE WITNESS:
 11:43:15 8 A. She was an insurance agent.
 11:43:18 9 BY MR. AINSWORTH:
 11:43:19 10 Q. Do you have any family members who are
 11:43:21 11 police officers?
 11:43:23 12 A. No.
 11:43:24 13 Q. When was the last time you saw Jon Burge?
 11:43:37 14 A. Acting on the advice of my attorney I
 11:43:38 15 choose not to answer your question based on the
 11:43:41 16 rights afforded me in the Fifth Amendment to the
 11:43:43 17 United States Constitution.
 11:43:45 18 Q. Tell me the last time you saw or spoke to
 11:43:48 19 either James Pienta, Raymond Madigan, William Marley
 11:43:52 20 or Dan McWeeny.
 11:43:57 21 A. Acting on the advice of my attorney I
 11:43:58 22 choose not to answer your question based on the
 11:44:00 23 rights afforded me in the Fifth Amendment to the
 11:44:03 24 United States Constitution.

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11:44:06 1 Q. If you know of any evidence or witnesses
 11:44:08 2 who could conclusively establish that you did not in
 11:44:12 3 fact violate either Aaron Patterson's or Eric Caine's
 11:44:18 4 constitutional rights, please tell me the -- the
 11:44:20 5 evidence that you're referring to or the names of the
 11:44:23 6 witnesses that you would rely upon.
 11:44:24 7 MS. GUNN: Object to form.
 11:44:25 8 BY THE WITNESS:
 11:44:26 9 A. Acting on the advice of my attorney I
 11:44:30 10 choose not to answer your question based on the
 11:44:32 11 rights afforded me in the Fifth Amendment to the
 11:44:35 12 United States Constitution.
 11:44:38 13 BY MR. AINSWORTH:
 11:44:43 14 Q. How many times have you been deposed?
 11:44:44 15 MS. GUNN: You can answer that.
 11:44:44 16 BY THE WITNESS:
 11:44:48 17 A. I believe just one other time.
 11:44:53 18 BY MR. AINSWORTH:
 11:44:54 19 Q. And that was in the Patterson case?
 11:44:58 20 MS. GUNN: You can answer that.
 11:44:58 21 BY THE WITNESS:
 11:45:00 22 A. Yes.
 11:45:02 23 BY MR. AINSWORTH:
 11:45:07 24 Q. Tell me the name of every Area 2 criminal

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11:45:13 1 suspect who has alleged that you or one of the
 11:45:16 2 detectives you were working with used force against
 11:45:19 3 them.
 11:45:19 4 MS. GUNN: Objection. Form. Assumes facts not
 11:45:22 5 in evidence. Foundation.
 11:45:24 6 BY THE WITNESS:
 11:45:25 7 A. Acting on the advice of my attorney I
 11:45:27 8 choose not to answer your question based on the
 11:45:29 9 rights afforded me in the Fifth Amendment to the
 11:45:32 10 United States Constitution.
 11:45:33 11 BY MR. AINSWORTH:
 11:45:34 12 Q. Tell me the name of every criminal suspect
 11:45:40 13 in Area 2 who alleged that you or one of the
 11:45:44 14 detectives you were working with had used force
 11:45:46 15 against them during their interrogation.
 11:45:49 16 MS. GUNN: Objection. Form. Assumes facts not
 11:45:52 17 in evidence. Foundation.
 11:45:52 18 BY THE WITNESS:
 11:45:53 19 A. Acting on the advice of my attorney I
 11:45:55 20 choose not to answer your question based on the
 11:45:57 21 rights afforded me in the Fifth Amendment to the
 11:46:00 22 United States Constitution.
 11:46:03 23 BY MR. AINSWORTH:
 11:46:10 24 Q. Isn't it true that Detective Madigan told

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11:46:12 1 you that he used force against Eric Caine in an
 11:46:15 2 effort to get him to give a false and involuntary
 11:46:21 3 statement?
 11:46:21 4 MS. GUNN: Objection to form. Assumes facts not
 11:46:24 5 in evidence. Foundation.
 11:46:24 6 BY THE WITNESS:
 11:46:25 7 A. Acting on the advice of my attorney I
 11:46:26 8 choose not to answer your question based on the
 11:46:28 9 rights afforded me in the Fifth Amendment to the
 11:46:31 10 United States Constitution.
 11:46:31 11 BY MR. AINSWORTH:
 11:46:46 12 Q. Tell me every document that you prepared
 11:46:49 13 during the Sanchez homicide investigation.
 11:46:52 14 MS. GUNN: Objection. Form. Assumes facts not
 11:46:55 15 in evidence.
 11:46:55 16 BY THE WITNESS:
 11:46:56 17 A. Acting on the advice of my attorney I
 11:46:58 18 choose not to answer your question based on the
 11:47:00 19 rights afforded me in the Fifth Amendment to the
 11:47:06 20 United States Constitution.
 11:47:08 21 MR. AINSWORTH: I have no further questions for
 11:47:10 22 this witness.
 11:47:12 23 MR.ARGER: I do not have any questions at this
 11:47:14 24 time. Thank you.

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11:47:14 1 MS. GUNN: I have no questions.
 11:47:16 2 MR. AINSWORTH: Signature?
 11:47:19 3 MS. GUNN: We will reserve.
 11:47:21 4 THE VIDEOGRAPHER: This concludes our video
 11:47:23 5 deposition. The time is 11:48.
 6 (Whereupon, the deposition was
 7 concluded at 11:48 a.m., this
 8 day, July 10, 2012.)
 9
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1 STATE OF ILLINOIS)
 2)
 3 COUNTY OF GRUNDY)
 4 The within and foregoing deposition of the
 5 aforementioned witness was taken before MARGARET A.
 6 BACHNER, CSR and Notary Public, at the place, date
 7 and time aforementioned.
 8 There were present during the taking of
 9 the deposition the previously named counsel.
 10 The said witness was first duly sworn and
 11 was then examined upon oral interrogatories; the
 12 questions and answers were taken down in shorthand by
 13 the undersigned, acting as stenographer and Notary
 14 Public; and the within and foregoing is a true,
 15 accurate and complete record of all of the questions
 16 asked of and answers made by the aforementioned
 17 witness, at the time and place hereinabove referred
 18 to.
 19 The signature of the witness was not
 20 waived, and the deposition was submitted, pursuant to
 21 Rules 30(e) and 32(d) of the Rules of Civil Procedure
 22 for the United States District Court, to the deponent
 23 per copy of the attached letter.
 24

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1 The undersigned is not interested in the
 2 within case, nor of kin or counsel to any of the
 3 parties.
 4 Witness my official signature and seal as
 5 Notary Public in and for Grundy County, Illinois, on
 6 this 13th day of July, A.D. 2012.
 7
 8
 9
 10 Margaret A. Bachner, CSR, RMR, CRR
 11 Illinois CSR No. 84-1481
 12 Notary Public, Grundy County, Illinois
 13 My Commission Expires June 24, 2014
 14 311 South Wacker Drive, Suite 300
 15 Chicago, Illinois 60606
 16 Phone: (312) 386-2000
 17
 18
 19
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1 IN THE UNITED STATES DISTRICT COURT
 2 NORTHERN DISTRICT OF ILLINOIS
 3 EASTERN DIVISION
 4 ERIC CAINE,)
 5)
 6 Plaintiff,)
 7 -vs-) Case No. 11-CV-08996
 8)
 9 JON BURGE, JAMES PIENTA,)
 10 RAYMOND MADIGAN, WILLIAM)
 11 MARLEY, WILLIAM PEDERSEN,)
 12 DANIEL MCWEENY, CITY OF)
 13 CHICAGO and UNIDENTIFIED)
 14 EMPLOYEES OF THE CITY OF)
 15 CHICAGO,)
 16 Defendants.)

17 I, WILLIAM L. PEDERSEN, hereby certify that
 18 I have read the foregoing transcript of my deposition
 19 given at the time and place aforesaid, consisting of
 20 Pages 1 to 76, inclusive, and I do again subscribe
 21 and make oath that the same is a true, correct, and
 22 complete transcript of my deposition so given as
 23 aforesaid, and includes changes, if any, made by me.
 24

 WILLIAM L. PEDERSEN

SUBSCRIBED AND SWORN TO before me this
 ____ day of _____ 2012.

 Notary Public

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William Pedersen June 10, 2012

Merrill Corporation
 311 South Wacker Drive, Suite 300
 Chicago, Illinois 60606
 (312)386-2000 (800)868-0061

July 13, 2012

Mr. William L. Pederson
 c/o Ms. Christina S. Gunn
 The Sotos Law Firm, P.C.
 550 East Devon, Suite 150
 Itasca, Illinois 60143

Re: Eric Caine v. Jon Burge, et al.
 Deponent: William L. Pedersen
 Date Taken: July 10, 2012

Dear Mr. Pedersen:

The above-referenced deposition has been transcribed and is ready for review, pursuant to the Rules of Court.

Please contact our office at your earliest convenience for an appointment to review the deposition transcript, or you may contact counsel for a copy of the transcript for your review.

Upon failure to comply within 30 days, we shall forward an appropriate affidavit of noncompliance to counsel without further notice.

Sincerely yours,

 Merrill Corporation

cc: Mr. Russell Ainsworth

1401-201442

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William Pedersen June 10, 2012

1 CASE: Eric Caine v. Jon Burge, et al.
 2 DATE TAKEN: July 10, 2012
 3 DEPONENT: William L. Pedersen

4 PAGE LINE

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21 REASON FOR CHANGE

22 (SIGNED) _____
 23 (DATE) _____

24 Reporter: Margaret A. Bachner

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In The Matter Of:*Eric Caine**vs.**Jon Burge**William Marley**May 29, 2012*

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EXHIBIT
12UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ERIC CAINE,)
)
 Plaintiff,)
)
 -vs-) No. 1:11-cv-08996
)
 JON BURGE, JAMES PIENTA,)
 RAYMOND MADIGAN, WILLIAM)
 MARLEY, WILLIAM PEDERSON,)
 DANIEL McWEENY, CITY OF)
 CHICAGO and UNIDENTIFIED)
 EMPLOYEES OF THE CITY OF)
 CHICAGO,)
)
 Defendants.)

The videotaped deposition of WILLIAM MARLEY, called by the plaintiff for examination, pursuant to notice and pursuant to the Rules of Civil Procedure for the United States District Courts, taken before Lydia B. Pinkawa, CSR and Notary Public in and for the County of Cook and State of Illinois, on May 29, 2012, at 10:26 a.m., at Suite 100, 312 North May Street, Chicago, Illinois.

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PRESENT:

LOEVY & LOEVY
 By MR. RUSSELL AINSWORTH
 312 North May Street, Suite 100
 Chicago, Illinois 60607
 (312) 243-5900
 russell@loevy.com

appeared on behalf of plaintiff,

THE SOTOS LAW FIRM, P.C.
 By MS. ELIZABETH A. EKL
 550 East Devon, Suite 150
 Itasca, Illinois 60143
 (630) 735-3300
 eekl@jsotoslaw.com

appeared on behalf of defendants Jon Burge,
 James Pienta, Raymond Madigan, William
 Marley, William Pederson and Daniel McWeeny,

DYKEMA GOSSETT, PLLC
 By MR. HARRY N. ARGER
 10 South Wacker Drive, Suite 2300
 Chicago, Illinois 60606
 (312) 627-2102
 harger@dykema.com

appeared on behalf of defendant City of
 Chicago.

ALSO PRESENT:

Mr. John Shelton, videographer

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I N D E X

WITNESS

William Marley

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1 MR. SHELTON: Good morning. We are going on the
2 video record at 10:26 a.m. Today's date is May 29,
3 2012. My name is John Shelton and I'm a legal
4 videographer in association with Merrill Legal
5 Solutions. The court reporter today is Lydia
6 Pinkawa. Here begins the videotaped deposition of
7 Mr. William J. Marley, taken in the matter of Eric
8 Caine vs. Jon Burge, et al., pending -- bearing case
9 number 11-CV-8996 in the U.S. District Court for the
10 Northern District of Illinois, Eastern Division.

11 The deposition is being held at 312
12 North May Street, Chicago, Illinois. Will counsel
13 please identify yourselves for the record and state
14 whom you represent, starting with the noticing party.

15 MR. AINSWORTH: Russell Ainsworth on behalf of
16 the plaintiff.

17 MR.ARGER: Harry Arger for the city of Chicago.

18 MS. EKL: Elizabeth Ekl on behalf of the
19 individually named police officer defendants
20 including the deponent, William Marley. I'd also
21 like to put on the record our agreement that the
22 videotape of this deposition here today, my
23 understanding of the agreement is that it will not be
24 disseminated for 30 days. Defendants have expressed

1 an intent to file a motion for a protective order
2 before the Court seeking to have, or seeking to bar
3 the video from being disseminated. And plaintiff has
4 agreed that once that motion is filed, they will not
5 disseminate the videotape until or unless there's a
6 motion by the Court allowing them to do so. Is that
7 correct?

8 MR. AINSWORTH: Just that plaintiff will agree
9 not to disseminate the videotape for 30 days. If
10 the defendants bring a motion to prevent the
11 dissemination within that time period, plaintiff will
12 agree not to -- will further agree not to disseminate
13 that videotape to anyone until that motion has been
14 ruled upon by the Court.

15 Would you swear the witness, please?

16 WILLIAM MARLEY,
17 having been first duly sworn, was examined and
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MR. AINSWORTH:

21 Q Would you please state and spell your name
22 for the record?

23 A William J. Marley, M-a-r-l-e-y.

24 Q Are there any medical conditions or other

1 conditions that would prevent you from truthfully and
2 accurately being able to testify here today?

3 A No.

4 Q You were a detective at Area 2 in 1986, is
5 that correct?

6 A I was.

7 Q And while you were a detective at Area 2,
8 would you please tell me the names of the partners
9 that you had between the years 1980 and 1989?

10 A Acting on the advice of my attorney, I choose
11 not to answer your questions based on the rights
12 afforded me in the Fifth Amendment to the United
13 States Constitution.

14 MS. EKL: And will you stipulate that if he
15 were to just state I assert my Fifth Amendment
16 rights, that he would be adopting in full that
17 statement that he just read?

18 MR. AINSWORTH: I will so stipulate.

19 MS. EKL: Thank you.

20 BY MR. AINSWORTH:

21 Q Sir, have you ever had a person allege that
22 you used physical force against them, to your
23 knowledge, inside Area 2?

24 A I assert my Fifth Amendment rights to the

1 Constitution.

2 Q How many times have you been deposed?

3 A I assert my Fifth Amendment rights to the
4 Constitution.

5 Q How many times have you testified at a motion
6 to suppress a statement where the allegation was that
7 you had used physical force against a criminal
8 suspect?

9 MS. EKL: Objection, assumes facts not in
10 evidence.

11 BY MR. AINSWORTH:

12 Q You can answer.

13 A I assert my Fifth Amendment rights to the
14 Constitution.

15 Q Did you review any documents in preparation
16 for this deposition?

17 A I assert my Fifth Amendment rights to the
18 Constitution.

19 Q Isn't it true, sir, that while you were a
20 detective at Area 2, you used physical force against
21 criminal suspects?

22 A I assert my Fifth Amendment rights to the
23 Constitution.

24 Q Isn't it true, sir, that while you were a

1 detective at Area 2 between the years 1980 and 1989,
2 you observed other detectives use physical force
3 against criminal suspects?

4 A I assert my Fifth Amendment rights to the
5 Constitution.

6 Q Isn't it true, sir, that while you were a
7 detective at Area 2 between the years 1980 to 1989,
8 you used physical force against criminal suspects in
9 order to get them to provide a statement?

10 A I assert my Fifth Amendment rights to the
11 Constitution.

12 Q Isn't it true, sir, that you observed other
13 detectives at Area 2 between the years 1980 and 1989
14 use physical force against criminal suspects in order
15 to get those criminal suspects to give a statement
16 involuntarily?

17 MR.ARGER: Can I just make an objection? To
18 the extent you're asking him questions that
19 you're going to use on a Monell claim against the
20 city and try to use his assertion of the Fifth
21 Amendment rights against the city, we'd object in
22 that regard and I'd ask for a standing objection
23 to those kinds of questions today.

24 MR. AINSWORTH: I will grant you such a

1 standing objection.

2 MS. EKL: And I object to form, foundation to
3 that particular question.

4 MR. AINSWORTH: I don't know if he answered.

5 Q Would you mind answering it again, sir?

6 A I don't know what you said. I didn't --

7 Q I'll re-ask the question. Isn't it true,
8 sir, that while you were an Area 2 detective between
9 the years 1980 and 1989, you observed other
10 detectives use physical force against criminal
11 suspects with the intent of getting those suspects to
12 involuntarily provide a statement?

13 MS. EKL: Objection, form, foundation.

14 MR.ARGER: And my same standing objection,
15 which this will be the last time I say it because
16 we have an agreement.

17 A I assert my Fifth Amendment rights under the
18 Constitution.

19 BY MR. AINSWORTH:

20 Q Isn't it true, sir, that you were one of the
21 investigating detectives in the Sanchez homicides?

22 A I assert my Fifth Amendment rights under the
23 Constitution.

24 Q Who was the lead detective in the Sanchez

1 homicide investigation?

2 A I assert my Fifth Amendment rights under the
3 Constitution.

4 Q Was there more than one detective who was the
5 lead or who were the lead detectives in the Sanchez
6 homicide investigation?

7 A I assert my Fifth Amendment rights under the
8 Constitution.

9 Q Was James Pienta the lead detective in the
10 Sanchez homicide investigation?

11 A I assert my Fifth Amendment rights under the
12 Constitution.

13 Q Was Jon Burge the lead detective in the
14 Sanchez homicide investigation?

15 A I assert my Fifth Amendment rights under the
16 Constitution.

17 Q Was Bill Pederson the lead detective in the
18 Sanchez homicide investigation?

19 A I assert my Fifth Amendment rights under the
20 Constitution.

21 Q When did you retire from the Chicago police
22 department?

23 A I assert my Fifth Amendment rights under the
24 Constitution.

1 Q Have you had any employment since your
2 retirement from the Chicago police department?

3 A Yes.

4 Q What employment did you have?

5 A I work for the Cook County state's attorney's
6 office.

7 Q How long have you worked for the Cook County
8 state's attorney's office?

9 A 18 years.

10 Q When did you start working for the Cook
11 County state's attorney's office?

12 A August of 1993.

13 Q Do you work full-time for the Cook County
14 state's attorney's office currently?

15 A I do.

16 Q How long have you been working full-time for
17 the Cook County state's attorney's office?

18 THE WITNESS: He just asked the same thing.

19 MS. EKL: You can answer.

20 A 18 years.

21 BY MR. AINSWORTH:

22 Q What do you do for the Cook County state's
23 attorney's office?

24 A I'm an investigator in the narcotics section.

1 Q What roles have you had within the Cook
2 County state's attorney's office since your
3 employment there in August of 1993?
4 MS. EKL: Objection to the form of the
5 question, specifically to roles.
6 MR.ARGER: Object to the relevance.
7 A I don't understand the question.
8 BY MR. AINSWORTH:
9 Q What have you done in the Cook County state's
10 attorney's office since you began in 1993? Would you
11 please just tell us the various positions you've
12 held?
13 A I'm an investigator presently in the
14 narcotics section. I've been there about ten years.
15 Prior to that, I was in the general office.
16 MR. AINSWORTH: Off the record for a second.
17 MR. SHELTON: Going off the record at 10:34.
18 (Discussion off the record.)
19 MR. SHELTON: Back on the record, 10:36.
20 BY MR. AINSWORTH:
21 Q You're refusing to pin the microphone to your
22 lapel so that we can hear you clearly, is that
23 correct, sir?
24 MS. EKL: I'm going to object to this,

1 Russell. The videographer indicated off the
2 record that he is picking up the sound. The fact
3 that Mr. Marley wishes not to have that on there
4 is not a refusal so that the sound can't be
5 heard. We asked whether or not the sound could
6 be heard without it being placed on his body and
7 it's been indicated to us that it can be heard in
8 that manner, so there's no reason to ask him that
9 question under oath in a deposition. The
10 videographer has indicated that the sound is
11 being picked up.
12 MR. AINSWORTH: No, the videographer said it
13 could be better and it would be better if he had
14 the lapel -- had the clip on his lapel. So
15 please don't misrepresent what has been stated.
16 Q Sir --
17 MS. EKL: He said it can be heard, it could
18 be better. But you're not entitled to the most
19 clear sound possible. You're entitled to record
20 it. It's being recorded, it's being picked up.
21 That's what the videographer indicated and I have
22 not misstated it. If you want to have the
23 videographer put that on the record, that's fine
24 with me. He's indicated he can pick up the sound

1 and we've now fixed it so that perhaps it's even
2 better than it was before.
3 BY MR. AINSWORTH:
4 Q Please answer the question.
5 A Repeat it.
6 Q You are refusing to put the microphone on
7 your lapel, is that correct?
8 A Correct.
9 Q Why?
10 A I don't want to.
11 Q Why don't you want to?
12 MS. EKL: Objection, asked and answered. He
13 answered the question. He answered the question,
14 Russell. Move on.
15 BY MR. AINSWORTH:
16 Q Why don't you want to, sir?
17 MS. EKL: I'm going to instruct him not to
18 answer. You're just harassing him at this point
19 in time. He's sitting here, he's being recorded
20 by both a court reporter and by the videographer.
21 I'd ask the videographer, now that this
22 microphone has been placed within a foot of his
23 mouth, whether or not you're able to pick him up
24 better than you were before.

1 MR. SHELTON: I don't know. It's hard to
2 judge.
3 MR. AINSWORTH: And the videographer, ideally
4 you would have the microphone on his lapel,
5 correct?
6 MR. SHELTON: Yes, sir.
7 MS. EKL: It's not on his lapel. It's less
8 than a foot from his mouth. Let's move on.
9 MR. AINSWORTH: If the question has been
10 asked and answered as to why he doesn't want to
11 have the microphone on his lapel, please tell me,
12 Ms. Ekl, what is the answer?
13 MS. EKL: He answered that he does not want
14 it on his lapel.
15 MR. AINSWORTH: And I asked him why.
16 Q Why don't you want it on your lapel?
17 MS. EKL: And now you're harassing him. He
18 doesn't want something attached to his body.
19 He's being recorded. That's what you're entitled
20 to. Let's move on.
21 MR. AINSWORTH: Why doesn't he want something
22 attached to his body? If there's a medical
23 condition, if there's something, then certainly I
24 want to know that.

1 MS. EKL: You're not entitled to know that.
 2 MR. AINSWORTH: But I'm trying to make,
 3 simply make a record of the deposition. I would
 4 like the audio to be the best that it can be.
 5 MS. EKL: We don't even know. Perhaps now
 6 it's just as clear as it would have been if it's
 7 on his lapel now that we've attached it to
 8 something and it's less than a foot from his
 9 mouth. If you'd like to call the judge and have
 10 the judge decide whether or not this is going to
 11 be attached to his body, I don't think the judge
 12 would appreciate it, but go ahead.
 13 He's not going to attach it to his body.
 14 We've made accommodations. It's being recorded
 15 and for all we know, it's being recorded just as
 16 clearly as if it was attached to his body. Let's
 17 move on.
 18 BY MR. AINSWORTH:
 19 Q Are you refusing to answer the question why
 20 don't you want to have the microphone attached to
 21 your lapel?
 22 A That is my answer. I don't want to.
 23 Q But why don't you want to, sir?
 24 MS. EKL: Objection, asked and answered.

1 Let's move on.
 2 BY MR. AINSWORTH:
 3 Q Why don't you want to?
 4 A I don't want to.
 5 Q I'm asking you why, sir. Why don't you want
 6 to?
 7 MS. EKL: Okay, Russell, I object to you
 8 completing --
 9 MR.ARGER: Let me ask a question.
 10 Mr. Videographer, can you hear me through the
 11 microphone?
 12 MR. SHELTON: I can hear you now, sir.
 13 MR.ARGER: Well, he's closer to the
 14 microphone than I am and if you can hear me, you
 15 should be able to hear him.
 16 MR. AINSWORTH: Why not put the microphone on
 17 the lapel?
 18 MR.ARGER: Because he doesn't want to.
 19 BY MR. AINSWORTH:
 20 Q Why don't you want to, sir?
 21 MS. EKL: He's already told you he doesn't
 22 want to. That's his answer. You can ask him ten
 23 more times. His answer is I don't want to.
 24

1 BY MR. AINSWORTH:
 2 Q I understand that you don't want to wear the
 3 microphone on your lapel. My question is why don't
 4 you want to?
 5 MS. EKL: He doesn't have to have a specific
 6 reason. He does not want to. He's told you
 7 that.
 8 BY MR. AINSWORTH:
 9 Q Please answer the question, sir.
 10 A I already did. I don't want to.
 11 Q Do you know why you don't want to wear it on
 12 your lapel?
 13 MS. EKL: Russell, come on. Let's get
 14 moving.
 15 A I just don't want to.
 16 BY MR. AINSWORTH:
 17 Q Is there a medical --
 18 A And I won't.
 19 Q Without telling me what the medical condition
 20 is, is there a medical condition that prevents you
 21 from being able to comfortably wear a microphone on
 22 your lapel?
 23 MS. EKL: I'm going to object at this point
 24 in time and I'm going to instruct him not to

1 answer. If there's a medical condition
 2 that's prevent -- it quite frankly has nothing to
 3 do with this deposition. It's harassing.
 4 BY MR. AINSWORTH:
 5 Q Will you answer the question, sir?
 6 A Repeat it.
 7 Q Without telling me what the medical condition
 8 is, is there some kind of medical condition that
 9 makes it uncomfortable for you to have a microphone
 10 attached to your lapel?
 11 A No.
 12 MS. EKL: Can I just ask a question? Can you
 13 see on the videotape the microphone in comparison
 14 to his face? Is that visible or can you at least
 15 take a shot so we can see as we're sitting here
 16 arguing, can you move the videotape so we can
 17 have a shot of how close this microphone is to
 18 his mouth?
 19 MR. AINSWORTH: I agree.
 20 MR. SHELTON: It's demonstrated on the screen
 21 that I'm turning over.
 22 MS. EKL: I don't know if you -- I can't
 23 from here tell whether or not you can see it in
 24 that --

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1 MR. AINSWORTH: It's in the shot.

2 MR.ARGER: I can see it.

3 MS. EKL: Okay.

4 BY MR. AINSWORTH:

5 Q Is there something other than a medical

6 condition that makes it uncomfortable for you to put

7 a lapel -- put a microphone on your lapel?

8 MS. EKL: I object to this whole line of

9 questioning. It's completely harassing. Move

10 on.

11 A No.

12 BY MR. AINSWORTH:

13 Q Have you ever had a microphone pinned to your

14 lapel before?

15 MS. EKL: Objection. It's completely

16 harassing and it has absolutely no relevance to

17 anything.

18 A Yes.

19 BY MR. AINSWORTH:

20 Q Before this deposition began, when I asked

21 you to have the -- if you could put the microphone

22 attached to your lapel, did you say tough shit?

23 A Possibly.

24 Q Do you recall one way or the other whether

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1 you said tough shit to me?

2 MS. EKL: Objection, asked and answered.

3 A It's a possibility.

4 BY MR. AINSWORTH:

5 Q That's a phrase that you use, tough shit?

6 A That's a phrase you're using.

7 Q I'm asking you, sir, is that a phrase that

8 you use, tough shit?

9 MS. EKL: Again, objection, it's incomplete,

10 the statement is incomplete, out of context and

11 harassing.

12 A Possibly.

13 BY MR. AINSWORTH:

14 Q Well, have you used that phrase before, tough

15 shit?

16 A I assert my Fifth Amendment rights under the

17 Constitution not to answer the question.

18 Q While you were a detective at Area 2, did you

19 use the phrase tough shit?

20 A I assert my Fifth Amendment rights under the

21 Constitution.

22 Q I'm going to give you one final chance and

23 you can either answer or not, but will you tell us

24 why you don't want to have the microphone on the

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1 lapel?

2 MS. EKL: Objection, asked and answered about

3 six times, harassing.

4 A No.

5 MR. AINSWORTH: I'm trying to see if there's

6 something taller that we can use as his mic

7 stand.

8 MR. SHELTON: It sounds okay. It sounds

9 better than it did when it was on the table.

10 BY MR. AINSWORTH:

11 Q What are your current assignments as an

12 investigator in the narcotics division?

13 A I don't know that I can tell you that.

14 They're confidential.

15 Q Well, generally speaking, what are your

16 assignments within the state's attorney's office?

17 MS. EKL: I'm going to object to the form.

18 Just so that he can answer fully, I don't know

19 that he understands if your meaning of

20 assignments is the same as his. So perhaps if

21 you explain what you mean by that, he might be

22 able to answer more fully. I don't know if

23 you're asking specific questions about cases that

24 he's working on that obviously he would have

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1 concerns about breaches in kind of

2 confidentiality or if you're just talking about

3 generally in terms of what his duties are as

4 opposed to actual assignments to cases.

5 BY MR. AINSWORTH:

6 Q Generally, sir, I'm asking about what your

7 duties are in general terms without mentioning

8 specific cases.

9 A Principally transporting witnesses to and

10 from court, to and from prison, interviewing defense

11 witnesses. I also work in the evidence vault.

12 Q What do you do in the evidence vault?

13 A Take in and give out evidence for trials.

14 Q And is that the vault that's at 26th and

15 California?

16 A It is.

17 Q Do you ever audio record your interviews of

18 witnesses?

19 A Never.

20 Q Why not?

21 A We just don't. I don't know if there's a

22 rule or not. We don't.

23 Q Did you interview with any attorneys to

24 become a Cook County state's attorney investigator?

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1 A No.

2 Q Did you talk to anybody about getting the job

3 within the Cook County state's attorney's office?

4 MS. EKL: Objection, foundation.

5 A I'm not sure I understand what you mean.

6 BY MR. AINSWORTH:

7 Q How did you go about getting your job with

8 the Cook County state's attorney's office?

9 A I put in a written application.

10 Q Did you speak to anyone prior to putting in

11 that application about a job with the Cook County

12 state's attorney's office?

13 A No.

14 Q Did you know any investigators with the Cook

15 County state's attorney's office prior to the time

16 that you applied?

17 A I did.

18 Q Who did you know?

19 A Several.

20 Q What are their names?

21 A George Mays, Clarence Travis.

22 Q Do you know Anthony Katalinic?

23 A I'm sorry, I didn't hear you.

24 Q Did you know Anthony Katalinic?

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1 A Yes.

2 Q Did you know him to be a Cook County state's

3 attorney's investigator at the time that you applied?

4 A I believe he worked for the sheriff.

5 Q What are the names of the other investigators

6 that you knew at the time that you applied?

7 MS. EKL: Just to be clear, are you referring

8 back to your initial question about investigators

9 at the Cook County state's attorney's office at

10 the time that he applied?

11 MR. AINSWORTH: Yes.

12 A I don't believe I knew any others.

13 Q So Mays and Travis were the only ones you

14 knew?

15 A To the best of my recollection, yes.

16 Q When you started with the Cook County state's

17 attorney's office as an investigator were there any

18 other investigators, to your knowledge, who had been

19 detectives at Area 2?

20 A Not when I started, no.

21 Q After you started, were there any detectives

22 from Area 2 who joined the Cook County state's

23 attorney's office as an investigator?

24 A Yes.

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1 Q Who was that?

2 A Joe Danzel, Dan McWeeny. Offhand, that's the

3 only ones I can think of.

4 Q Did you speak with Officer Danzel about

5 becoming an investigator at the Cook County state's

6 attorney's office prior to the time he joined?

7 A I don't know.

8 Q Did you speak with Dan McWeeny about becoming

9 an investigator at the Cook County state's attorney's

10 office before he joined?

11 A I don't know.

12 Q Did you, when you were starting out as an

13 investigator with the Cook County state's attorney's

14 office, did you work with any of the prosecutors who

15 prosecuted cases that you worked on while you were a

16 detective at Area 2?

17 A Probably, but I couldn't be specific about

18 it.

19 Q Did you work with Jack Hines while you were

20 an investigator with the Cook County state's

21 attorney's --

22 A No, I didn't.

23 Q Cook County state's attorney's office?

24 A No.

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1 Q Did you work with Dan -- sorry, Kevin Durkin?

2 A No.

3 Q And just to be clear, did you work with Kevin

4 Durkin during the time that you were an investigator

5 for the Cook County state's attorney's office?

6 A I don't believe so.

7 Q Have there been any complaints against you by

8 civilians during the time that you've been a Cook

9 County state's attorney investigator?

10 A I assert my Fifth Amendment rights to the

11 Constitution not to answer the question.

12 Q Have there been any complaints against you by

13 other co-workers within the Cook County state's

14 attorney's office during the time that you've been an

15 investigator?

16 MS. EKL: Objection, form, vague.

17 A I assert my Fifth Amendment rights under the

18 Constitution not to answer the question.

19 BY MR. AINSWORTH:

20 Q Have you been accused of using physical force

21 during the time that you've been a Cook County

22 state's attorney investigator?

23 A I assert my Fifth Amendment rights under the

24 Constitution not to answer the question.

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1 Q Isn't it true, sir, that you have used
2 physical force against witnesses while acting as a
3 Cook County state's attorney investigator in order to
4 get witnesses to provide involuntary statements?

5 A I assert my Fifth Amendment rights to the
6 Constitution not to answer the question.

7 Q Isn't it true, sir, you have observed other
8 investigators for the Cook County state's attorney's
9 office use force against witnesses in order to get
10 them to provide involuntary statements?

11 A I assert my Fifth Amendment rights to the
12 Constitution not to answer the question.

13 Q Tell me every step that you took in order to
14 investigate the Sanchez murders.

15 MS. EKL: Objection, form, vague.

16 A I assert my Fifth Amendment rights under the
17 Constitution not to answer the question.

18 MR. AINSWORTH: Let's mark this as Exhibit 1.

19 (Document marked as Marley Deposition

20 Exhibit 1 for identification.)

21 Q Showing you what has been marked as Exhibit
22 No. 1, did you prepare this document, sir? It's a
23 one page document Bates numbered X73001.

24 A I assert my Fifth Amendment rights under the

1 Constitution not to answer the question.

2 Q Tell me every person that you interviewed
3 during the course of your investigation of the
4 Sanchez homicides.

5 MS. EKL: Objection, assumes facts not in
6 evidence.

7 A I assert my Fifth Amendment rights under the
8 Constitution not to answer the question.

9 BY MR. AINSWORTH:

10 Q Did you question a person named Willie
11 Washington during the course of your investigation of
12 the Sanchez homicides?

13 A I assert my Fifth Amendment rights under the
14 Constitution not to answer the question.

15 Q Did you question a Wayne Washington during
16 the course of your investigation into the Sanchez
17 homicides?

18 A I assert my Fifth Amendment rights under the
19 Constitution not to answer the question.

20 Q Did Willie Washington tell you that he was
21 inside the Sanchez home at the time that they were
22 killed?

23 MS. EKL: Objection, foundation, assumes
24 facts not in evidence.

1 A I assert my Fifth Amendment rights under the
2 Constitution not to answer the question.

3 BY MR. AINSWORTH:

4 Q Isn't it true that Willie Washington told you
5 that he committed the Sanchez murders?

6 MS. EKL: Objection, foundation, assumes
7 facts not in evidence.

8 A I assert my Fifth Amendment rights under the
9 Constitution not to answer the question.

10 BY MR. AINSWORTH:

11 Q Isn't it true that you documented the fact
12 that Willie Washington had told you that he committed
13 the Sanchez murders?

14 MS. EKL: Objection, foundation, assumes
15 facts not in evidence.

16 A I assert my Fifth Amendment rights under the
17 Constitution not to answer the question.

18 BY MR. AINSWORTH:

19 Q Isn't it true that you withheld the
20 documentation of the fact that Willie Washington had
21 told you that he committed the Sanchez murders from
22 the prosecution and from Eric Caine's defense team?

23 MS. EKL: Objection, form, foundation,
24 assumes facts not in evidence.

1 A I assert my Fifth Amendment rights under the
2 Constitution not to answer the question.

3 BY MR. AINSWORTH:

4 Q What did you do with your notes when you were
5 a detective back in April of 1986 and May of 1986?

6 MS. EKL: Objection, assumes facts not in
7 evidence.

8 A I assert my Fifth Amendment rights under the
9 Constitution not to answer the question.

10 BY MR. AINSWORTH:

11 Q Isn't it true that you would keep a running
12 street file of notes and documents related to
13 investigation during the time period April of 1986 to
14 May of 1986?

15 MS. EKL: Objection, form, foundation.

16 A I assert my Fifth Amendment rights under the
17 Constitution not to answer the question.

18 MR.ARGER: Just so it's clear, the Monell,
19 that covers the street file stuff, too, our
20 standing objection.

21 MR. AINSWORTH: I'll give you a standing
22 objection on that as well.

23 MR.ARGER: Thank you.
24

1 BY MR. AINSWORTH:

2 Q Isn't it true, sir, that you would withhold

3 exculpatory information that was contained in your

4 street file from the official reports that were

5 submitted to the department and available for

6 subpoena by either the prosecution or the defense?

7 MS. EKL: Objection, form, foundation,

8 assumes facts not in evidence.

9 A I assert my Fifth Amendment rights under the

10 Constitution not to answer the question.

11 BY MR. AINSWORTH:

12 Q Did you ever interview a person by the name

13 of Mack Ray?

14 A I assert my Fifth Amendment rights under the

15 Constitution not to answer the question.

16 Q Isn't it true, sir, that Mack Ray informed

17 you that Wayne Washington had told him that Willie

18 Washington committed the Sanchez murders while Wayne

19 Washington acted as a lookout?

20 MS. EKL: Objection, form, foundation,

21 assumes facts not in evidence.

22 A I assert my Fifth Amendment rights under the

23 Constitution not to answer the question.

24

1 BY MR. AINSWORTH:

2 Q Isn't it true, sir, that Wayne Washing --

3 strike that. Isn't it true, sir, that you documented

4 the fact that Mack Ray had told you that Willie

5 Washington had told -- had committed the Sanchez

6 murders while Wayne Washington acted as a look out

7 and that you withheld that documentation from the

8 prosecution and from Eric Caine's defense team?

9 MS. EKL: Objection, form, foundation,

10 assumes facts not in evidence.

11 A I assert my Fifth Amendment rights under the

12 Constitution not to answer the question.

13 BY MR. AINSWORTH:

14 Q Isn't it true, sir, that you were present

15 when Mack Ray told another police officer in your

16 presence that Willie Washington had committed the

17 Sanchez murders and that Wayne Washington had told

18 him that information along with the fact that Wayne

19 Washington had acted as a lookout while the murders

20 were committed?

21 MS. EKL: Objection, form, foundation,

22 assumes facts not in evidence.

23 A I assert my Fifth Amendment rights to the

24 Constitution not to answer the question.

1 BY MR. AINSWORTH:

2 Q Isn't it true that you withheld documentation

3 about the fact that Wayne Washington had told Mack

4 Ray that Willie Washington had committed the Sanchez

5 murders while Wayne acted as a lookout?

6 MS. EKL: Objection, form, foundation,

7 assumes facts not in evidence.

8 A I assert my Fifth Amendment rights under the

9 Constitution not to answer the question.

10 BY MR. AINSWORTH:

11 Q And isn't it true that you withheld that

12 documentation about Mack Ray's statement from the

13 prosecution and from Eric Caine's defense team?

14 MS. EKL: Objection, form, foundation,

15 assumes facts not in evidence.

16 A I assert my Fifth Amendment rights under the

17 Constitution not to answer the question.

18 BY MR. AINSWORTH:

19 Q Did you play any role in investigating the

20 Sanchez murders after May 15th of 1986?

21 A Would you repeat the question?

22 Q Did you play any role in investigating the

23 Sanchez murders after May 15th of 1986?

24 MS. EKL: Objection, form.

1 A I assert my Fifth Amendment rights under the

2 Constitution not to answer the question.

3 BY MR. AINSWORTH:

4 Q Did you question a person by the name of

5 Charles Tellery during the course of your

6 investigation of the Sanchez murders?

7 A I assert my Fifth Amendment rights under the

8 Constitution not to answer the question.

9 Q Isn't it true that Charles Tellery told you

10 that he had seen Willie Washington leaving the scene

11 of the Sanchezes' house?

12 MS. EKL: Objection, foundation, assumes

13 facts not in evidence.

14 A I assert my Fifth Amendment rights under the

15 Constitution not to answer the question.

16 BY MR. AINSWORTH:

17 Q Did you question a person by the name of

18 James Hill?

19 MS. EKL: Objection, foundation.

20 A I assert my Fifth Amendment rights under the

21 Constitution not to answer the question.

22 BY MR. AINSWORTH:

23 Q Isn't it true that while you were driving to

24 Area 2 -- well, strike that. Isn't it true that

1 James Hill told you that Detective Pienta had slapped
2 him while he was riding in the back of a police car
3 with Aaron Patterson?

4 MS. EKL: Objection, foundation, assumes
5 facts not in evidence.

6 A I assert my Fifth Amendment rights under the
7 Constitution not to answer the question.

8 BY MR. AINSWORTH:

9 Q Isn't it true that you documented the fact
10 that Detective Pienta had slapped James Hill while
11 driving to Area 2?

12 MS. EKL: Objection, form, foundation,
13 assumes facts not in evidence.

14 A I assert my Fifth Amendment rights under the
15 Constitution not to answer the question.

16 BY MR. AINSWORTH:

17 Q That was a poor question. Isn't it true that
18 you documented the fact that Detective Pienta slapped
19 James Hill in the back seat of a police car in which
20 Aaron Patterson was riding?

21 MS. EKL: Objection, foundation, assumes
22 facts not in evidence.

23 A I assert my Fifth Amendment rights to the
24 Constitution not to answer the question.

1 BY MR. AINSWORTH:

2 Q Isn't it true that the -- that you withheld
3 documentation of the fact that Detective Pienta had
4 slapped James Hill while riding in the back seat of a
5 police car in which Aaron Patterson was also riding
6 and that you had withheld that documentation from
7 both the prosecution and from Eric Caine's defense
8 team?

9 MS. EKL: Objection, form, foundation,
10 assumes facts not in evidence.

11 A I assert my Fifth Amendment rights to the
12 Constitution not to answer the question.

13 BY MR. AINSWORTH:

14 Q What follow-up investigation, if any, did you
15 conduct in regard to the information contained on
16 Exhibit No. 1?

17 A I assert my Fifth Amendment rights to the
18 Constitution not to answer the question.

19 Q What steps did you take to either confirm or
20 deny that Willie Washington did it?

21 MS. EKL: Objection, form.

22 A I assert my Fifth Amendment rights to the
23 Constitution not to answer the question.
24

1 BY MR. AINSWORTH:

2 Q Are you going to assert your Fifth Amendment
3 rights in response to any question asked about
4 Exhibit No. 1?

5 A Yes.

6 Q How did Richard Burnette come to be at
7 Area 2?

8 MS. EKL: Objection, form, foundation,
9 assumes facts not in evidence.

10 A I assert my Fifth Amendment rights under the
11 Constitution not to answer the question.

12 BY MR. AINSWORTH:

13 Q Was Richard Burnette handcuffed and
14 questioned?

15 MS. EKL: Objection, assumes facts not in
16 evidence, foundation.

17 A I assert my Fifth Amendment rights under the
18 Constitution not to answer the question.

19 BY MR. AINSWORTH:

20 Q Was Pienta your partner on April 23, 1986?

21 A I assert my Fifth Amendment rights under the
22 Constitution not to answer the question.

23 Q How long had Detective Pienta been your
24 partner as of April 23, 1986?

1 MS. EKL: Objection, assumes facts not in
2 evidence.

3 A I assert my Fifth Amendment rights under the
4 Constitution not to answer the question.

5 BY MR. AINSWORTH:

6 Q In April and May of 1986 how often were you
7 partnered with Detective Pienta?

8 MS. EKL: Objection, assumes facts not in
9 evidence.

10 A I assert my Fifth Amendment rights under the
11 Constitution not to answer the question.

12 MR. AINSWORTH: Let's mark this as Exhibit
13 No. 2.

14 (Document marked as Marley Deposition
15 Exhibit 2 for identification.)

16 MR. AINSWORTH: For the record, Exhibit No. 2
17 is a one page document Bates numbered X72960.

18 Q Sir, is that your signature on the bottom
19 left-hand corner of this document?

20 A I assert my Fifth Amendment rights to the
21 Constitution not to answer the question.

22 Q Did you create this document that's marked as
23 Exhibit No. 2?

24 A I assert my Fifth Amendment rights not to

1 answer the question.

2 Q What did you mean by the phrase he is a guest

3 assisting in the investigation?

4 MS. EKL: Objection, form, assumes facts not

5 in evidence.

6 A I assert my Fifth Amendment rights to the

7 Constitution not to answer the question.

8 BY MR. AINSWORTH:

9 Q Isn't it true that Eric Caine told you that

10 he had no role in the Sanchez homicides?

11 MS. EKL: Objection, foundation.

12 A I assert my Fifth Amendment rights to the

13 Constitution not to answer the question.

14 BY MR. AINSWORTH:

15 Q Isn't it true that Eric Caine told you he had

16 no knowledge whatsoever of how the Sanchez murders

17 were committed?

18 MS. EKL: Objection, foundation.

19 A I assert my Fifth Amendment rights under the

20 Constitution not to answer the question.

21 BY MR. AINSWORTH:

22 Q Isn't it true that on April 31, 1986, Eric

23 Caine told you that he had no knowledge whatsoever of

24 the Sanchez homicides?

1 MS. EKL: Objection, foundation as to time.

2 A I assert my Fifth Amendment rights to the

3 Constitution not to answer the question.

4 BY MR. AINSWORTH:

5 Q Tell me every conversation you had with

6 assistant state's attorney Kip Owens during the

7 course of the Sanchez murder investigation.

8 MS. EKL: Objection, form, foundation,

9 assumes facts not in evidence.

10 A I assert my Fifth Amendment rights under the

11 Constitution not to answer the question.

12 BY MR. AINSWORTH:

13 Q Since you became an investigator with the

14 state's attorney's office in 1993, have you worked

15 with Kip Owens?

16 A I assert my Fifth Amendment rights to the

17 Constitution not to answer the question.

18 Q Did you take handwritten notes of your

19 questioning of Eric Caine?

20 MS. EKL: Objection, assumes facts not in

21 evidence.

22 A I assert my Fifth Amendment rights under the

23 Constitution not to answer the question.

24

1 BY MR. AINSWORTH:

2 Q Isn't it true that you include in your notes

3 the fact that Eric Caine had told you that he had no

4 knowledge of the Sanchez murders whatsoever?

5 MS. EKL: Objection, assumes facts not in

6 evidence.

7 A I assert my Fifth Amendment rights under the

8 Constitution not to answer the question.

9 BY MR. AINSWORTH:

10 Q How did you find out that Aaron Patterson had

11 the clap and crabs?

12 MS. EKL: Objection, assumes facts not in

13 evidence, foundation.

14 A I assert my Fifth Amendment rights under the

15 Constitution not to answer the question.

16 BY MR. AINSWORTH:

17 Q Why did you say that Aaron Patterson had been

18 fed and watered?

19 MS. EKL: Objection, assumes facts not in

20 evidence.

21 A I assert my Fifth Amendment rights under the

22 Constitution not to answer the question.

23 BY MR. AINSWORTH:

24 Q What did you mean that Aaron Patterson had

1 been fed and watered?

2 MS. EKL: Objection, asked and answered,

3 assumes facts not in evidence.

4 A I assert my Fifth Amendment rights to the

5 Constitution not to answer the question.

6 BY MR. AINSWORTH:

7 Q Does fed and watering -- well, strike that.

8 I'm standing up simply because I have a bad back,

9 sir, not to be either rude or to be in any way, I

10 don't know, annoying. So I'll withdraw the last

11 question and start anew.

12 Is the phrase fed and watered a code within

13 Area 2 for having used physical force against a

14 criminal suspect?

15 MS. EKL: Objection, foundation, assumes

16 facts not in evidence.

17 A I assert my Fifth Amendment rights to the

18 Constitution not to answer the question.

19 MR. AINSWORTH: Let's mark this as Exhibit

20 No. 3.

21 (Documents marked as Marley Deposition Group

22 Exhibit 3 for identification.)

23 Q Showing you what's been marked as Exhibit

24 No. 3, this is a five page document Bates numbered

1 X72982 through 986. Sir, did you -- is that your
 2 signature on the bottom left-hand corner?
 3 A I decline to answer under the rights
 4 guaranteed under the Fifth Amendment of the
 5 Constitution.
 6 Q Did you create the first page of this
 7 document that's been marked as Exhibit No. 3?
 8 A I assert my Fifth Amendment rights under the
 9 Constitution not to answer the question.
 10 Q What does this document mean where it says
 11 the prints of the 12 known members of the tribe?
 12 MS. EKL: Objection, form, foundation.
 13 A I assert my Fifth Amendment rights under
 14 the -- guaranteed under the Constitution not to
 15 answer the question.
 16 BY MR. AINSWORTH:
 17 Q Why did you request that these 12 individuals
 18 have their prints run?
 19 MS. EKL: Objection, foundation, assumes
 20 facts not in evidence.
 21 A I assert my rights under the Fifth Amendment
 22 not to answer the question.
 23 BY MR. AINSWORTH:
 24 Q Are you going to respond by asserting your

1 Fifth Amendment rights to any question asked of you
 2 about Exhibit No. 3?
 3 A Yes.
 4 Q Did you transport Aaron Patterson from a
 5 police station on 103rd Street to Area 2 on April 30,
 6 1986?
 7 A I assert my Fifth Amendment rights under the
 8 Constitution not to answer the question.
 9 Q Isn't it true that you were the driver in the
 10 car that transported Aaron Patterson and James Hill
 11 from police station on 103rd Street to Area 2?
 12 MS. EKL: Objection, foundation, assumes
 13 facts not in evidence.
 14 A I assert my Fifth Amendment rights under the
 15 Constitution not to answer the question.
 16 BY MR. AINSWORTH:
 17 Q Isn't it true that Detective James Pienta was
 18 riding in the back with Aaron Patterson and James
 19 Hill while Bill Pederson was riding in the front
 20 passenger seat during that ride from 103rd Street,
 21 the police station at 103rd Street to Area 2 on
 22 April 30, 1986?
 23 MS. EKL: Objection, form, foundation,
 24 assumes facts not in evidence.

1 A I assert my Fifth Amendment rights under the
 2 Constitution not to answer the question.
 3 BY MR. AINSWORTH:
 4 Q Isn't it true that you observed Detective
 5 Pienta reach across Aaron Patterson and slap James
 6 Hill in the face during the ride from the District 4
 7 police station to Area 2?
 8 MS. EKL: Objection, foundation, assumes
 9 facts not in evidence.
 10 A I assert my Fifth Amendment rights under the
 11 Constitution not to answer the question.
 12 BY MR. AINSWORTH:
 13 Q Isn't it true that you then heard Detective
 14 Pienta turn to Aaron Patterson and state that if he
 15 had been the officer who found him, Aaron Patterson
 16 would be now dead?
 17 MS. EKL: Objection, assumes facts not in
 18 evidence.
 19 A I assert my Fifth Amendment rights under the
 20 Constitution not to answer the question.
 21 BY MR. AINSWORTH:
 22 Q Isn't it true that you then interrogated
 23 Aaron Patterson at Area 2 with Detectives Pederson
 24 and Pienta?

1 MS. EKL: Objection, foundation, assumes
 2 facts not in evidence.
 3 A I assert my Fifth Amendment rights under the
 4 Constitution not to answer the question.
 5 BY MR. AINSWORTH:
 6 Q Isn't it true that you interrogated Aaron
 7 Patterson alongside Detectives Pienta and Marley on
 8 April 30, 1986?
 9 MS. EKL: Objection, foundation as to time.
 10 A I assert my Fifth Amendment rights under the
 11 Constitution not to answer the question.
 12 BY MR. AINSWORTH:
 13 Q What time did you start interrogating Aaron
 14 Patterson on April 30, 1986?
 15 MS. EKL: Objection, assumes facts not in
 16 evidence.
 17 A I assert my Fifth Amendment rights under the
 18 Constitution not to answer the question.
 19 BY MR. AINSWORTH:
 20 Q Where did, in which room at Area 2 did you
 21 interrogate Aaron Patterson?
 22 MS. EKL: Objection, assumes facts not in
 23 evidence.
 24 A I assert my rights under the Fifth Amendment

1 of the Constitution not to answer the question.
 2 BY MR. AINSWORTH:
 3 Q Isn't it true that you handcuffed Aaron
 4 Patterson by one wrist to the wall during that
 5 initial interrogation of him at Area 2?
 6 MS. EKL: Objection, assumes facts not in
 7 evidence.
 8 A I assert my Fifth Amendment rights under the
 9 Constitution not to answer the question.
 10 BY MR. AINSWORTH:
 11 Q Isn't it true that Aaron Patterson requested
 12 an attorney during his interrogation at Area 2 on
 13 April 30, 1986?
 14 MS. EKL: Objection, foundation, assumes
 15 facts not in evidence.
 16 A I assert my Fifth Amendment rights under the
 17 Constitution not to answer the question.
 18 BY MR. AINSWORTH:
 19 Q Isn't it true that Detective Pienta responded
 20 to that request by saying that he was not getting
 21 Aaron Patterson a lawyer, that he was Aaron
 22 Patterson's lawyer and that Aaron Patterson was going
 23 to do what he told him to do?
 24 MS. EKL: Objection, form, foundation,

1 assumes facts not in evidence.
 2 A I assert my Fifth Amendment rights under the
 3 Constitution not to answer the question.
 4 BY MR. AINSWORTH:
 5 Q Isn't it true that at the time in April
 6 of 1986, Detective Pienta was a heavysset individual?
 7 MS. EKL: Objection, foundation, assumes
 8 facts not in evidence.
 9 A I assert my Fifth Amendment rights under the
 10 Constitution not to answer the question.
 11 BY MR. AINSWORTH:
 12 Q What was your height in 19 -- in April
 13 of 1986?
 14 A I assert my Fifth Amendment rights to the
 15 Constitution not to answer the question.
 16 Q What was your approximate weight in April
 17 of 1986?
 18 A I assert my rights under the Fifth Amendment
 19 of the Constitution not to answer the question.
 20 Q What color was your hair in April of 1986?
 21 A I assert my rights under the Fifth Amendment
 22 of the Constitution not to answer the question.
 23 Q Will you please describe how you typically
 24 wore your hair back in April of 1986?

1 A I assert my rights under the Fifth Amendment
 2 not to answer the question.
 3 Q In April of 1986 did you typically wear
 4 facial hair?
 5 A I didn't understand that.
 6 Q In April of 1986 did you typically wear
 7 facial hair?
 8 A I assert my rights under the Constitution not
 9 to answer the question.
 10 Q In April of 1986 how would you describe your
 11 build?
 12 A I assert my rights under the Fifth Amendment
 13 not to answer the question.
 14 Q Isn't it true that you heard Detective Pienta
 15 tell Aaron Patterson that I'm tired of all this
 16 bullshit?
 17 MS. EKL: Objection, foundation, assumes
 18 facts not in evidence.
 19 A I assert my rights under the Fifth Amendment
 20 of the Constitution not to answer the question.
 21 BY MR. AINSWORTH:
 22 Q Isn't it true that you heard Aaron Patterson
 23 say I don't know about the rest of you, but I am
 24 tired of listening to this bullshit and I'm about

1 ready to kick his ass?
 2 MS. EKL: Objection, foundation, assumes
 3 facts not in evidence.
 4 A I assert my rights under the Fifth Amendment
 5 not to answer the question.
 6 BY MR. AINSWORTH:
 7 Q Isn't it true that after Detective Pienta
 8 made the comment about kicking Aaron Patterson's ass,
 9 you then said that Aaron Patterson was going to
 10 cooperate and if he did cooperate, that he wouldn't
 11 have to go through all that?
 12 MS. EKL: Objection, form, foundation,
 13 assumes facts not in evidence.
 14 A I assert my Fifth Amendment rights under the
 15 Constitution not to answer the question.
 16 BY MR. AINSWORTH:
 17 Q Isn't it true that Aaron Patterson responded
 18 to you by saying that he wanted a lawyer?
 19 MS. EKL: Objection, assumes facts not in
 20 evidence, foundation.
 21 A I assert my rights under the Fifth Amendment
 22 of the Constitution not to answer the question.
 23 BY MR. AINSWORTH:
 24 Q And isn't it true when Aaron Patterson asked

1 for a lawyer at this point, Detective Pienta left the
2 room?

3 MS. EKL: Objection, form, foundation,
4 assumes facts not in evidence.

5 A I assert my rights under the Fifth Amendment
6 of the Constitution not to answer the question.

7 BY MR. AINSWORTH:

8 Q Isn't it true that you then observed
9 Detective Pienta re-enter the room with a plastic
10 bag?

11 MS. EKL: Objection, foundation, assumes
12 facts not in evidence.

13 A I assert my rights under the Fifth Amendment
14 to the Constitution not to answer the question.

15 BY MR. AINSWORTH:

16 Q Isn't it true that when Detective Pienta
17 returned from leaving the interrogation room, he
18 returned with a typewriter cover?

19 MS. EKL: Objection, foundation, assumes
20 facts not in evidence.

21 A I assert my Fifth Amendment rights under the
22 Constitution not to answer the question.

23 BY MR. AINSWORTH:

24 Q Isn't it true that when Detective Pienta

1 returned with a typewriter cover, you were present in
2 the room as was Detective Pienta as was Detective
3 Pederson?

4 MS. EKL: Objection, foundation, assumes
5 facts not in evidence.

6 BY MR. AINSWORTH:

7 Q Isn't it true --

8 A Same answer. I assert my rights under the
9 Fifth Amendment not to answer the question.

10 Q Isn't it true that when Detective Pienta
11 re-entered the room with the typewriter cover, he had
12 four additional officers with him that were not
13 either yourself or Detective Pederson?

14 MS. EKL: Objection, foundation, assumes
15 facts not in evidence.

16 A I assert my Fifth Amendment rights under the
17 Constitution not to answer the question.

18 BY MR. AINSWORTH:

19 Q Isn't it true that Detective Pienta also had
20 a manila folder with him when he returned with the
21 typewriter cover?

22 MS. EKL: Objection, foundation, assumes
23 facts not in evidence.

24 A I assert my Fifth Amendment rights under the

1 Constitution not to answer the question.

2 BY MR. AINSWORTH:

3 Q Isn't it true that when Detective Pienta
4 entered the room with the typewriter cover, one of
5 the detectives told Mr. Patterson that he had
6 committed the Sanchez murders?

7 MS. EKL: Objection, foundation, assumes
8 facts not in evidence.

9 A I assert my rights under the Fifth Amendment
10 to the Constitution not to answer the question.

11 BY MR. AINSWORTH:

12 Q Isn't it true that Aaron Patterson then
13 stated that he had not committed the Sanchez murders
14 and had nothing to do with them?

15 MS. EKL: Objection, assumes facts not in
16 evidence, foundation.

17 A I assert my rights under the Fifth Amendment
18 to the Constitution not to answer the question.

19 BY MR. AINSWORTH:

20 Q Isn't it true that Detective Pienta then
21 said, are you calling the other detective a liar?

22 MS. EKL: Objection, foundation, assumes facts
23 not in evidence.

24 A I assert my rights under the Fifth Amendment

1 to the Constitution not to answer the question.

2 BY MR. AINSWORTH:

3 Q Isn't it true that Detective Pienta then
4 said, look at this jag-off, he's calling this
5 detective a liar?

6 MS. EKL: Objection, foundation, assumes
7 facts not in evidence.

8 A I assert my rights under the Fifth Amendment
9 to the Constitution not to answer the question.

10 BY MR. AINSWORTH:

11 Q Isn't it true at that point that Detective
12 Pienta then un-handcuffed Aaron Patterson and
13 re-handcuffed him to the ring of the wall with both
14 of his wrists cuffed behind his back?

15 MS. EKL: Objection, foundation, assumes
16 facts not in evidence.

17 A I assert my Fifth Amendment rights under the
18 Constitution not to answer the question.

19 BY MR. AINSWORTH:

20 Q Isn't it true that you assisted Detective
21 Pienta in re-handcuffing Aaron Patterson so that both
22 of his wrists would be hooked to a ring behind his
23 back?

24 MS. EKL: Objection, foundation, assumes

1 facts not in evidence.

2 A I assert my Fifth Amendment rights under the

3 Constitution not to answer the question.

4 BY MR. AINSWORTH:

5 Q Isn't it true that you observed Detective

6 Pederson assist Detective Pienta handcuff Aaron

7 Patterson's hands behind his back to a ring on the

8 wall?

9 MS. EKL: Objection, foundation, assumes

10 facts not in evidence.

11 A I assert my Fifth Amendment rights under the

12 Constitution not to answer the question.

13 BY MR. AINSWORTH:

14 Q Isn't it true that you observed Detective

15 Madigan assist Detective Pienta to handcuff both of

16 Aaron Patterson's hands behind his back?

17 MS. EKL: Objection, foundation, assumes

18 facts not in evidence.

19 A I assert my Fifth Amendment rights under the

20 Constitution not to answer the question.

21 BY MR. AINSWORTH:

22 Q Isn't it true that you assisted Detective --

23 sorry, strike that. Isn't it true that you observed

24 Detective McWeeny assist Detective Pienta in

1 handcuffing Aaron Patterson's hands behind his back?

2 MS. EKL: Objection, foundation, assumes

3 facts not in evidence.

4 A I assert my Fifth Amendment rights under the

5 Constitution not to answer the question.

6 BY MR. AINSWORTH:

7 Q Isn't it true that you then observed

8 Detective Pienta slap Aaron Patterson in the chest

9 and ask him if he was going to cooperate?

10 MS. EKL: Objection, form, foundation,

11 assumes facts not in evidence.

12 A I assert my Fifth Amendment rights under the

13 Constitution not to answer the question.

14 BY MR. AINSWORTH:

15 Q Isn't it true you then observed Detective

16 Pienta grab Aaron Patterson by the neck?

17 MS. EKL: Objection, foundation, assumes

18 facts not in evidence.

19 A I assert my Fifth Amendment rights under the

20 Constitution not to answer the question.

21 BY MR. AINSWORTH:

22 Q Isn't it true that after Aaron Patter --

23 after Detective Pienta grabbed Aaron Patterson by the

24 neck, then another officer closed the door and turned

1 out the lights?

2 MS. EKL: Objection, form, foundation,

3 assumes facts not in evidence.

4 A I assert my Fifth Amendment rights under the

5 Constitution not to answer the question.

6 BY MR. AINSWORTH:

7 Q Isn't it true that you then observed

8 Detective Pederson reach for the plastic typewriter

9 cover and place it over Aaron Patterson's head?

10 MS. EKL: Objection, foundation, assumes

11 facts not in evidence.

12 A I assert my Fifth Amendment rights under the

13 Constitution not to answer the question.

14 BY MR. AINSWORTH:

15 Q Isn't it true you observed Detective Pederson

16 hold the typewriter cover against Aaron Patterson's

17 face so as to cut off his breathing?

18 MS. EKL: Objection, form, foundation,

19 assumes facts not in evidence.

20 A I assert my Fifth Amendment rights under the

21 Constitution not to answer the question.

22 BY MR. AINSWORTH:

23 Q Isn't it true you could tell it was Detective

24 Pederson who had the typewriter cover against Aaron

1 Patterson's face because there was a little bit of

2 light coming in from underneath the door that led to

3 the hallway?

4 MS. EKL: Objection, form, foundation,

5 assumes facts not in evidence.

6 A I assert my Fifth Amendment rights under the

7 Constitution not to answer the question.

8 BY MR. AINSWORTH:

9 Q Isn't it true that you then held Aaron

10 Patterson's nose while Detective Pederson held the

11 typewriter cover against Aaron Patterson's face so as

12 to cut off Aaron Patterson's breathing?

13 MS. EKL: Objection, form, foundation,

14 assumes facts not in evidence.

15 A I assert my Fifth Amendment rights under the

16 Constitution not to answer the question.

17 BY MR. AINSWORTH:

18 Q Isn't it true that you observed Detective

19 Madigan hold Aaron Patterson's nose while Detective

20 Pederson held the plastic over his face so that Aaron

21 Patterson couldn't breathe?

22 MS. EKL: Objection, form, foundation,

23 assumes facts not in evidence.

24 A I assert my Fifth Amendment rights under the

1 Constitution not to answer the question.

2 BY MR. AINSWORTH:

3 Q Isn't it true that you observed Detective

4 McWeeny hold Aaron Patterson's nose so that -- while

5 Detective Pederson held the typewriter cover over

6 Aaron Patterson's face so that Aaron Patterson could

7 not breathe?

8 MS. EKL: Objection, form, foundation,

9 assumes facts not in evidence.

10 A I assert my Fifth Amendment rights under the

11 Constitution not to answer the question.

12 BY MR. AINSWORTH:

13 Q Isn't it true that you observed Detective

14 Burge hold Aaron Patterson's nose while Detective

15 Pederson held the typewriter cover over Aaron

16 Patterson's face so that Aaron Patterson couldn't

17 breathe?

18 MS. EKL: Objection, form, foundation,

19 assumes facts not in evidence.

20 A I assert my rights under the Fifth Amendment

21 not to answer the question.

22 BY MR. AINSWORTH:

23 Q Isn't it true that you observed Detective

24 Pienta hold Aaron Patterson's nose while Detective

1 Pederson held the typewriter cover against Aaron

2 Patterson's face so that Aaron Patterson could not

3 breathe?

4 MS. EKL: Objection, form, foundation,

5 assumes facts not in evidence.

6 A I assert my rights under the Fifth Amendment

7 not to answer the question.

8 BY MR. AINSWORTH:

9 Q Isn't it true that while the plastic

10 typewriter cover was being held over Aaron

11 Patterson's face so that he could not breathe, you

12 then punched Aaron Patterson?

13 MS. EKL: Objection, form, foundation,

14 assumes facts not in evidence.

15 A I assert my rights under the Fifth Amendment

16 to the Constitution not to answer the question.

17 BY MR. AINSWORTH:

18 Q Isn't it true that while the typewriter cover

19 was being held over Aaron Patterson's face, you

20 observed other Area 2 detectives striking Aaron

21 Patterson?

22 MS. EKL: Objection, foundation, assumes

23 facts not in evidence.

24 A I assert my Fifth Amendment rights under the

1 Constitution not to answer the question.

2 BY MR. AINSWORTH:

3 Q Tell me every detective that you observed

4 interrogating Aaron Patterson.

5 MS. EKL: Objection, form, foundation,

6 assumes facts not in evidence.

7 A I assert my Fifth Amendment rights to the

8 Constitution not to answer the question.

9 BY MR. AINSWORTH:

10 Q Tell me the name of every detective that you

11 observed interviewing Aaron Patterson on April 30,

12 1986.

13 MS. EKL: Objection, foundation, assumes

14 facts not in evidence.

15 A I assert my Fifth Amendment rights under the

16 Constitution not to answer the question.

17 BY MR. AINSWORTH:

18 Q Isn't it true that you observed Detective

19 McWeeny punch Aaron Patterson in the face while he

20 was being suffocated?

21 MS. EKL: Objection, foundation, assumes

22 facts not in evidence.

23 A I assert my Fifth Amendment rights under the

24 Constitution not to answer the question.

1 BY MR. AINSWORTH:

2 Q Isn't it true that you observed Detective

3 Madigan punch Aaron Patterson in the chest while he

4 was being inter -- suffocated?

5 MS. EKL: Objection, foundation, assumes

6 facts not in evidence.

7 A I assert my Fifth Amendment rights under the

8 Constitution not to answer the question.

9 BY MR. AINSWORTH:

10 Q Isn't it true that you observed Detective

11 Burge strike Aaron Patterson while he was being

12 suffocated?

13 MS. EKL: Objection, foundation, assumes

14 facts not in evidence.

15 A I assert my Fifth Amendment rights under the

16 Constitution not to answer the question.

17 BY MR. AINSWORTH:

18 Q Isn't it true that you observed Detective

19 Pederson punch Aaron Patterson in the body while he

20 was being suffocated?

21 MS. EKL: Objection, foundation, assumes

22 facts not in evidence.

23 A I assert my Fifth Amendment rights under the

24 Constitution not to answer the question.

1 BY MR. AINSWORTH:

2 Q Isn't it true that after Detective Pederson

3 removed the plastic cover from Aaron Patterson's

4 face, another detective turned on the lights?

5 MS. EKL: Objection, foundation, assumes

6 facts not in evidence.

7 A I assert my Fifth Amendment rights to the

8 Constitution not to answer the question.

9 BY MR. AINSWORTH:

10 Q Isn't it true that Aaron Patterson then told

11 you and the other detectives that you were crazy for

12 doing what you had done?

13 MS. EKL: Objection, assumes facts not in

14 evidence.

15 A I assert my Fifth Amendment rights under the

16 Constitution not to answer the question.

17 BY MR. AINSWORTH:

18 Q Isn't it true that Detective Pienta then

19 said, we've got to do what we've got to do, you know?

20 MS. EKL: Objection, foundation, assumes

21 facts not in evidence.

22 A I assert my Fifth Amendment rights under the

23 Constitution not to answer the question.

24

1 BY MR. AINSWORTH:

2 Q Isn't it true that Detective Pienta then said

3 if you don't cooperate, we'll do something worse than

4 that if we have to?

5 MS. EKL: Objection, foundation, assumes

6 facts not in evidence.

7 A I assert my Fifth Amendment rights under the

8 Constitution not to answer the question.

9 BY MR. AINSWORTH:

10 Q Isn't it true that Aaron Patterson then told

11 Detective Pienta that he wanted to see a lawyer?

12 MS. EKL: Objection, foundation, assumes

13 facts not in evidence.

14 A I assert my Fifth Amendment rights under the

15 Constitution not to answer the question.

16 BY MR. AINSWORTH:

17 Q Isn't it true that Detective Pienta then

18 responded by saying no, you're not getting a mother

19 fucking attorney?

20 MS. EKL: Objection, foundation, assumes

21 facts not in evidence.

22 A I assert my Fifth Amendment rights under the

23 Constitution not to answer the question.

24

1 BY MR. AINSWORTH:

2 Q Isn't it true that you prevented Aaron

3 Patterson from getting in touch with an attorney?

4 MS. EKL: Objection, foundation, assumes

5 facts not in evidence.

6 A I assert my Fifth Amendment rights to the

7 Constitution not to answer the question.

8 BY MR. AINSWORTH:

9 Q Isn't it true that you knew that Aaron

10 Patterson did not want to provide a statement, but

11 you continued questioning him nonetheless?

12 MS. EKL: Objection, form, foundation,

13 assumes facts not in evidence.

14 A I assert my Fifth Amendment rights to the

15 Constitution not to answer the question.

16 BY MR. AINSWORTH:

17 Q Isn't it true that Detective Pienta then

18 asked Aaron Patterson if he was going to cooperate?

19 MS. EKL: Objection, foundation, assumes

20 facts not in evidence.

21 A I assert my Fifth Amendment rights under the

22 Constitution not to answer the question.

23 BY MR. AINSWORTH:

24 Q And isn't it true that Aaron Patterson then

1 said, I've said all I'm going to say?

2 MS. EKL: Objection, foundation, assumes

3 facts not in evidence.

4 A I assert my Fifth Amendment rights under the

5 Constitution not to answer the question.

6 BY MR. AINSWORTH:

7 Q And isn't it true that after Aaron Patterson

8 said that he had said all he was going to say, you

9 turned off the lights?

10 MS. EKL: Objection, foundation, assumes

11 facts not in evidence.

12 A I assert my Fifth Amendment rights under the

13 Constitution not to answer the question.

14 BY MR. AINSWORTH:

15 Q Were you the tallest detective of the

16 detectives that you knew of who were questioning

17 Aaron Patterson on April 30, 1986?

18 MS. EKL: Objection, form, foundation.

19 A I assert my Fifth Amendment rights under the

20 Constitution not to answer the question.

21 BY MR. AINSWORTH:

22 Q And isn't it true that when the lights went

23 off, the typewriter cover was placed back on Aaron

24 Patterson's face?

1 MS. EKL: Objection, form, foundation,
 2 assumes facts not in evidence.
 3 A I assert my Fifth Amendment rights under the
 4 Constitution not to answer the question.
 5 BY MR. AINSWORTH:
 6 Q Isn't it true that when the lights went off
 7 the second time, you placed the typewriter cover over
 8 Aaron Patterson's face so that he couldn't breathe?
 9 MS. EKL: Objection, form, foundation,
 10 assumes facts not in evidence.
 11 A I assert my Fifth Amendment rights under the
 12 Constitution not to answer the question.
 13 BY MR. AINSWORTH:
 14 Q Isn't it true that you observed Detective
 15 Pederson place the typewriter cover over Aaron
 16 Patterson's face the second time so he couldn't
 17 breathe?
 18 MS. EKL: Objection, form, foundation,
 19 assumes facts not in evidence.
 20 A I assert my Fifth Amendment rights under the
 21 Constitution not to answer the question.
 22 BY MR. AINSWORTH:
 23 Q Isn't it true that you observed Detective
 24 Pienta place the typewriter cover over Aaron

1 Patterson's face so that he couldn't breathe the
 2 second time?
 3 MS. EKL: Objection, asked and answered,
 4 form, foundation, assumes facts not in evidence.
 5 A I assert my rights under the Fifth Amendment
 6 of the Constitution not to answer the question.
 7 BY MR. AINSWORTH:
 8 Q Isn't it true that you observed Detective
 9 Madigan place the typewriter cover over Aaron
 10 Patterson's face the second time?
 11 MS. EKL: Objection, form, foundation,
 12 assumes facts not in evidence.
 13 A I assert my Fifth Amendment rights under the
 14 Constitution not to answer the question.
 15 BY MR. AINSWORTH:
 16 Q I left out one piece. Isn't it true that you
 17 observed Detective Madigan place the typewriter cover
 18 over Aaron Patterson's face the second time so he
 19 couldn't breathe?
 20 MS. EKL: Objection, form, foundation,
 21 assumes facts not in evidence.
 22 A Same answer. I assert my rights under the
 23 Constitution not to answer the question.
 24

1 BY MR. AINSWORTH:
 2 Q Isn't it true that you observed Detective
 3 McWeeny place a typewriter cover over Aaron
 4 Patterson's face the second time so that he couldn't
 5 breathe?
 6 MS. EKL: Objection, form, foundation,
 7 assumes facts not in evidence.
 8 A I assert my Fifth Amendment rights under the
 9 Constitution not no answer the question.
 10 BY MR. AINSWORTH:
 11 Q Isn't it true that you punched Aaron
 12 Patterson while he was being suffocated the second
 13 time?
 14 MS. EKL: Objection, form, foundation,
 15 assumes facts not in evidence.
 16 A I assert my Fifth Amendment rights under the
 17 Constitution not to answer the question.
 18 BY MR. AINSWORTH:
 19 Q Isn't it true that you observed Detective
 20 Burge place the typewriter cover over Aaron
 21 Patterson's face the second time so that he couldn't
 22 breathe?
 23 MS. EKL: Objection, form, foundation,
 24 assumes facts not in evidence.

1 A I assert my Fifth Amendment rights under the
 2 Constitution not to answer the question.
 3 BY MR. AINSWORTH:
 4 Q Isn't it true that you observed Detective
 5 Burge punch Aaron Patterson in the body during the
 6 second application of the typewriter cover to his
 7 face so that he couldn't breathe?
 8 MS. EKL: Objection, form, foundation,
 9 assumes facts not in evidence.
 10 A I assert my Fifth Amendment rights under the
 11 Constitution not to answer the question.
 12 BY MR. AINSWORTH:
 13 Q Isn't it true that you observed Detective
 14 Pienta punch Aaron Patterson while he was being
 15 suffocated the second time?
 16 MS. EKL: Objection, form, foundation,
 17 assumes facts not in evidence.
 18 A I assert my Fifth Amendment rights under the
 19 Constitution not to answer the question.
 20 BY MR. AINSWORTH:
 21 Q Isn't it true that you observed Detective
 22 Madigan punch Aaron Patterson while he was being
 23 suffocated the second time?
 24 MS. EKL: Objection, form, foundation,

1 assumes facts not in evidence.
 2 A I assert my rights under the Fifth Amendment
 3 not to answer the question.
 4 BY MR. AINSWORTH:
 5 Q Isn't it true that you observed Detective
 6 Pederson punch Aaron Patterson in the body while he
 7 was being suffocated a second time?
 8 MS. EKL: Objection, form, foundation,
 9 assumes facts not in evidence.
 10 A I assert my rights under the Fifth Amendment
 11 to the Constitution not to answer the question.
 12 BY MR. AINSWORTH:
 13 Q Isn't it true that you observed Detective
 14 McWeeny punch Aaron Patterson while he was being
 15 suffocated the second time?
 16 MS. EKL: Objection, form, foundation,
 17 assumes facts not in evidence.
 18 A I assert my Fifth Amendment rights under the
 19 Constitution not to answer the question.
 20 BY MR. AINSWORTH:
 21 Q Isn't it true that the typewriter cover was
 22 held onto Aaron Patterson's face for about two
 23 minutes during the second time?
 24 MS. EKL: Objection, form, foundation,

1 assumes facts not in evidence.
 2 A I assert my Fifth Amendment rights under the
 3 Constitution not to answer the question.
 4 BY MR. AINSWORTH:
 5 Q Isn't it true that when the typewriter cover
 6 was taken off Aaron Patterson's face, he then said
 7 that he was willing to cooperate?
 8 MS. EKL: Objection, form, foundation,
 9 assumes facts not in evidence.
 10 A I assert my Fifth Amendment rights under the
 11 Constitution not to answer the question.
 12 BY MR. AINSWORTH:
 13 Q Isn't it true that Aaron Patterson then said
 14 I'll say anything you say after the typewriter cover
 15 was taken off his face for the second time?
 16 MS. EKL: Objection, form, foundation,
 17 assumes facts not in evidence.
 18 A I assert my Fifth Amendment rights under the
 19 Constitution not to answer the question.
 20 BY MR. AINSWORTH:
 21 Q Isn't it true that then the four additional
 22 officers left and it was you, Detective Pienta and
 23 Detective Pederson who were left alone in the room
 24 with Aaron Patterson?

1 MS. EKL: Objection, foundation, assumes
 2 facts not in evidence.
 3 A I assert my Fifth Amendment rights under the
 4 Constitution not to answer the question.
 5 BY MR. AINSWORTH:
 6 Q Isn't it true you then instructed Aaron
 7 Patterson that he committed the Sanchez murders?
 8 MS. EKL: Objection, form, foundation,
 9 assumes facts not in evidence.
 10 A I assert my Fifth Amendment rights under the
 11 Constitution not to answer the question.
 12 BY MR. AINSWORTH:
 13 Q Isn't it true that you provided details of
 14 the crime to Aaron Patterson before he volunteered
 15 any of those details?
 16 MS. EKL: Objection, foundation, assumes
 17 facts not in evidence.
 18 A I decline to answer the question, asserting
 19 my constitutional rights.
 20 BY MR. AINSWORTH:
 21 Q Under the Fifth Amendment?
 22 A Yes, sir.
 23 Q Isn't it true that you told Aaron Patterson
 24 that he needed money and that's why he went to

1 Aaron -- to the Sanchezes' home that night?
 2 MS. EKL: Objection, foundation, assumes
 3 facts not in evidence.
 4 A I assert my Fifth Amendment rights not to
 5 answer the question.
 6 BY MR. AINSWORTH:
 7 Q Isn't it true that you told Aaron Patterson
 8 that he needed a gun, so that's why he went to the
 9 Sanchezes' home that night?
 10 MS. EKL: Objection, foundation, assumes
 11 facts not in evidence.
 12 A I assert my Fifth Amendment rights under the
 13 Constitution not to answer the question.
 14 BY MR. AINSWORTH:
 15 Q Isn't it true that you told Aaron Patterson
 16 that Mr. Sanchez refused to give him the stuff and
 17 that's why he killed him?
 18 MS. EKL: Objection, foundation, assumes
 19 facts not in evidence, form.
 20 A I assert my Fifth Amendment rights under the
 21 Constitution not to answer the question.
 22 BY MR. AINSWORTH:
 23 Q Isn't it true that you told Aaron Patterson
 24 how the victims were killed?

1 MS. EKL: Objection, form, foundation,
2 assumes facts not in evidence.
3 A I assert my Fifth Amendment rights under the
4 Constitution not to answer the question.
5 BY MR. AINSWORTH:
6 Q Isn't it true that you told Aaron Patterson
7 that the victims in the Sanchez murders were stabbed
8 to death before he mentioned anything about knowing
9 that the victims had been stabbed to death?
10 MS. EKL: Objection, foundation, assumes
11 facts not in evidence.
12 A I assert my Fifth Amendment rights under the
13 Constitution not to answer the question.
14 BY MR. AINSWORTH:
15 Q Isn't it true that you got Aaron Patterson
16 some bourbon to drink?
17 MS. EKL: Objection, form, foundation.
18 A I assert my Fifth Amendment rights under the
19 Constitution not to answer the question.
20 BY MR. AINSWORTH:
21 Q Isn't it true that you told Aaron Patterson
22 that bourbon was better than water?
23 MS. EKL: Objection, form, foundation,
24 assumes facts not in evidence.

1 A I assert my Fifth Amendment rights under the
2 Constitution not to answer the question.
3 BY MR. AINSWORTH:
4 Q Did you observe another Area 2 detective
5 provide Aaron Patterson with a cup of bourbon?
6 MS. EKL: Objection, foundation.
7 A I assert my Fifth Amendment rights under the
8 Constitution not to answer the question.
9 BY MR. AINSWORTH:
10 Q Did you hear another detective tell Aaron
11 Patterson that bourbon was better than water?
12 MS. EKL: Objection, foundation.
13 A I assert my Fifth Amendment rights under the
14 Constitution not to answer the question.
15 BY MR. AINSWORTH:
16 Q Prior to using physical force against Aaron
17 Patterson, did you speak with Jon Burge about how to
18 go about interrogating Aaron Patterson?
19 MS. EKL: Objection, form, foundation,
20 assumes facts not in evidence.
21 A I assert my Fifth Amendment rights under the
22 Constitution not to answer the question.
23 BY MR. AINSWORTH:
24 Q Before any physical force was using against

1 Aaron Patterson, did you consult with Jon Burge about
2 using a plastic typewriter cover to suffocate Aaron
3 Patterson in an effort to get him to provide an
4 involuntary statement?
5 MS. EKL: Objection, form, foundation,
6 assumes facts not in evidence.
7 A I assert my Fifth Amendment rights under the
8 Constitution not to answer the question.
9 BY MR. AINSWORTH:
10 Q Isn't it true that you, Detective Pienta and
11 Detective -- and defendant Burge reached an agreement
12 to use physical force against Aaron Patterson in an
13 effort to get him to give an involuntary and false
14 confession?
15 MS. EKL: Objection, form, foundation,
16 assumes facts not in evidence.
17 A I assert my Fifth Amendment rights under the
18 Constitution not to answer the question.
19 BY MR. AINSWORTH:
20 Q Isn't it true that you knew during the course
21 of your interrogation of Aaron Patterson that he had
22 nothing to do with the Sanchez murders?
23 MS. EKL: Objection, foundation, assumes
24 facts not in evidence.

1 A I assert my Fifth Amendment rights under the
2 Constitution not to answer the question.
3 BY MR. AINSWORTH:
4 Q Tell me how Eric Caine's name came up during
5 your interrogation of Aaron Patterson.
6 MS. EKL: Objection, foundation, assumes
7 facts not in evidence.
8 A I assert my Fifth Amendment rights under the
9 Constitution not to answer the question.
10 BY MR. AINSWORTH:
11 Q Isn't it true that you were questioning Aaron
12 Patterson about members of the tribe that you had
13 referenced in your earlier GPR dated April 23, 1986?
14 MS. EKL: Objection, foundation, assumes
15 facts not in evidence.
16 A I assert my Fifth Amendment rights under the
17 Constitution not to answer the question.
18 BY MR. AINSWORTH:
19 Q Isn't it true that you went through the list
20 of names that were attached to your GPR dated
21 April 23, 1986 during your interrogation of Aaron
22 Patterson on April 30?
23 MS. EKL: Objection, form, assumes facts not
24 in evidence.

1 A I decline to answer the question, asserting
 2 my Fifth Amendment rights under the Constitution.
 3 BY MR. AINSWORTH:
 4 Q Isn't it true that you suggested to Aaron
 5 Patterson that he committed the murder with Eric
 6 Caine, Michael Arbuckle and Illya Rowland?
 7 MS. EKL: Objection, form, foundation,
 8 assumes facts not in evidence.
 9 A I assert my Fifth Amendment rights under the
 10 Constitution not to answer the question.
 11 BY MR. AINSWORTH:
 12 Q Isn't it true you told Aaron Patterson to say
 13 that he committed the Sanchez murders with Eric
 14 Caine, Michael Arbuckle and Illya Rowland?
 15 MS. EKL: Objection, foundation, assumes
 16 facts not in evidence.
 17 A I assert my Fifth Amendment rights under the
 18 Constitution not to answer the question.
 19 BY MR. AINSWORTH:
 20 Q Isn't it true that you observed another
 21 Area 2 detective tell Aaron Patterson that he
 22 committed the Sanchez murders with Eric Caine,
 23 Michael Arbuckle and Illya Rowland before Aaron
 24 Patterson said anything about having committed the

1 murders with Eric Caine, Michael Arbuckle or Illya
 2 Rowland?
 3 MS. EKL: Objection, foundation, assumes
 4 facts not in evidence.
 5 A I assert my Fifth Amendment rights under the
 6 Constitution and decline to answer the question.
 7 BY MR. AINSWORTH:
 8 Q Isn't it true that Jon Burge told you he went
 9 into the interrogation room where Aaron Patterson was
 10 with a loaded gun?
 11 MS. EKL: Objection, foundation, assumes
 12 facts not in evidence.
 13 A I assert my Fifth Amendment rights under the
 14 Constitution not to answer the question.
 15 BY MR. AINSWORTH:
 16 Q Isn't it true that Detective Burge told you
 17 that if Aaron Patterson wouldn't cooperate -- strike
 18 that. Isn't it true defendant Burge told you that he
 19 had a conversation with Aaron Patterson in which he
 20 told Aaron Patterson if he didn't cooperate, it would
 21 be worse for him and he said this while he had a
 22 handgun on the table in front of Aaron Patterson?
 23 MS. EKL: Objection, form, foundation,
 24 assumes facts not in evidence.

1 A I assert my Fifth Amendment rights under the
 2 Constitution not to answer the question.
 3 BY MR. AINSWORTH:
 4 Q Isn't it true that you brought photographs in
 5 to Aaron Patterson for him to identify?
 6 MS. EKL: Objection, foundation, assumes
 7 facts not in evidence.
 8 A I assert my Fifth Amendment rights under the
 9 Constitution not to answer the question.
 10 BY MR. AINSWORTH:
 11 Q Isn't it true that you showed Aaron Patterson
 12 photographs of Eric Caine, Michael Arbuckle and Illya
 13 Rowland so that he could pick them out and point to
 14 them as people who committed the Sanchez murders?
 15 MS. EKL: Objection, form, foundation,
 16 assumes facts not in evidence.
 17 A I assert my Fifth Amendment rights under the
 18 Constitution not to answer the question.
 19 BY MR. AINSWORTH:
 20 Q Isn't it true that you showed Aaron Patterson
 21 photographs of Eric Caine, Michael Arbuckle and Illya
 22 Rowland so that he could falsely identify them as
 23 people who had committed the Sanchez murders?
 24 MS. EKL: Objection, form, foundation,

1 assumes facts not in evidence.
 2 A I assert my Fifth Amendment rights under the
 3 Constitution not to answer the question.
 4 BY MR. AINSWORTH:
 5 Q Isn't it true that you observed another
 6 Area 2 detective show Aaron Patterson photographs of
 7 Eric Caine, Michael Arbuckle and Illya Rowland so
 8 that Aaron Patterson could falsely identify those
 9 people as persons involved in the Sanchez homicides?
 10 MS. EKL: Objection, form, foundation,
 11 assumes facts not in evidence.
 12 A I assert my Fifth Amendment rights under the
 13 Constitution not to answer the question.
 14 BY MR. AINSWORTH:
 15 Q Did you show Aaron Patterson any photographs?
 16 MS. EKL: Objection, foundation.
 17 A I assert my rights under the Fifth Amendment
 18 of the Constitution not to answer the question.
 19 BY MR. AINSWORTH:
 20 Q If you did show him any photographs, why did
 21 you show him photographs?
 22 MS. EKL: Objection, form, foundation,
 23 assumes facts not in evidence, incomplete
 24 hypothetical.

1 A I assert my rights under the Fifth Amendment
2 of the Constitution not to answer the question.
3 BY MR. AINSWORTH:
4 Q If you did show Aaron Patterson photographs,
5 at what point during the interrogation of Aaron
6 Patterson did you show him photographs?
7 MS. EKL: Objection, form, assumes facts not
8 in evidence, incomplete hypothetical.
9 A I assert my Fifth Amendment rights under the
10 Constitution not to answer the question.
11 BY MR. AINSWORTH:
12 Q Isn't it true that you were familiar with the
13 facts of the Sanchez homicides prior to the time that
14 you interrogated Aaron Patterson?
15 MS. EKL: Objection, form, assumes facts not
16 in evidence.
17 A I assert my Fifth Amendment rights under the
18 Constitution not to answer the question.
19 BY MR. AINSWORTH:
20 Q Isn't it true that you, Detective Pienta,
21 Detective Madigan, Detective Pederson and Lieutenant
22 Burge came up with a plan to have Detective McWeeny
23 pretend to be the good cop and speak with Aaron
24 Patterson in an effort to get him to cooperate in the

1 investigation?
2 MS. EKL: Objection, form, foundation,
3 assumes facts not in evidence.
4 A I assert my Fifth Amendment rights under the
5 Constitution not to answer the question.
6 BY MR. AINSWORTH:
7 Q Isn't it true that as part of that plan that
8 you developed with Detectives Burge, Madigan, Pienta,
9 McWeeny and Pederson, you concocted a story that
10 Detective McWeeny would tell Aaron Patterson that the
11 other detectives would do something really serious if
12 he didn't agree to cooperate?
13 MS. EKL: Objection, form, foundation,
14 assumes facts not in evidence.
15 A I assert my Fifth Amendment rights under the
16 Constitution not to answer the question.
17 BY MR. AINSWORTH:
18 Q When did you learn that Aaron Patterson had
19 etched anything into the bench of his interrogation
20 room?
21 MS. EKL: Objection, assumes facts not in
22 evidence.
23 A I assert my Fifth Amendment rights under the
24 Constitution not to answer the question.

1 BY MR. AINSWORTH:
2 Q When did you learn that Aaron Patterson had
3 etched something into the frame of the door to his
4 interrogation room?
5 MS. EKL: Objection, assumes facts not in
6 evidence.
7 A I assert my Fifth Amendment rights under the
8 Constitution not to answer the question.
9 BY MR. AINSWORTH:
10 Q Did you have any discussions with any of the
11 other Area 2 detectives when you learned that Aaron
12 Patterson had etched statements about his torture
13 into the bench and the door frame of his
14 interrogation room?
15 MS. EKL: Objection, assumes facts not in
16 evidence.
17 A I assert my Fifth Amendment rights under the
18 Constitution not to answer the question.
19 BY MR. AINSWORTH:
20 Q Isn't it true that you observed Detective
21 Pienta bring Eric Caine into Aaron Patterson's
22 interrogation room after Aaron Patterson had been
23 suffocated twice and struck several times?
24 MS. EKL: Objection, form, foundation,

1 assumes facts not in evidence.
2 A I assert my Fifth Amendment rights under the
3 Constitution not to answer the question.
4 BY MR. AINSWORTH:
5 Q Isn't it true that you knew, at the time
6 Detective Pienta brought Eric Caine into the room, he
7 was doing so in an effort to intimidate Eric Caine
8 into giving an involuntary and false statement?
9 MS. EKL: Objection, form, foundation,
10 assumes facts not in evidence.
11 A I assert my Fifth Amendment rights under the
12 Constitution not to answer the question.
13 BY MR. AINSWORTH:
14 Q Isn't it true Detective Pienta told you that
15 he had punched Eric Caine in the chest on April 30,
16 1986?
17 MS. EKL: Objection, foundation.
18 A I assert my Fifth Amendment rights under the
19 Constitution not to answer the question.
20 BY MR. AINSWORTH:
21 Q Isn't it true that you observed Detective
22 Pienta punch Eric Caine in the chest on April 30,
23 1986?
24 MS. EKL: Objection, assumes facts not in

1 evidence.

2 A I assert my Fifth Amendment rights under the

3 Constitution not to answer the question.

4 BY MR. AINSWORTH:

5 Q Isn't it true that you observed Aaron

6 Patter -- strike that. Isn't it true that you

7 observed Detective Pienta punch Eric Caine in the

8 chest and tell him that if he wasn't cool, he'd get

9 worse?

10 MS. EKL: Objection, form, foundation,

11 assumes facts not in evidence.

12 A I assert my Fifth Amendment rights under the

13 Constitution and decline to answer the question.

14 BY MR. AINSWORTH:

15 Q Isn't it true --

16 (Whereupon a brief interruption occurred.)

17 Q Were you questioned by any federal

18 investigators in regard to your duties as an Area 2

19 detective?

20 MS. EKL: Objection, foundation.

21 A I decline to answer, asserting my Fifth

22 Amendment rights under the Constitution.

23 BY MR. AINSWORTH:

24 Q Have you ever given a statement to a grand

1 jury regarding an investigation of police abuse

2 within Area 2?

3 A I assert my Fifth Amendment rights under the

4 Constitution and decline to answer the question.

5 Q Were you ever offered immunity for statements

6 against other detectives in Area 2?

7 A I assert my Fifth Amendment rights under the

8 Constitution and decline to answer the question.

9 Q Did you serve in the military?

10 A I did.

11 Q What years did you serve, sir?

12 A 1957 to 1960.

13 Q What branch?

14 A Army.

15 Q And where were you stationed?

16 A Germany.

17 Q Were you stationed overseas anywhere other

18 than Germany?

19 A No.

20 Q What were your duties in the Army?

21 A I was artillery repairman in an armored unit.

22 Q Did you have any combat experience?

23 A No.

24 Q Isn't it true that Eric Caine told you he had

1 nothing whatsoever to do with the Sanchez murders?

2 MS. EKL: Objection, foundation and asked and

3 answered.

4 A I assert my Fifth Amendment rights under the

5 Constitution not to answer the question.

6 BY MR. AINSWORTH:

7 Q Isn't it true that you observed another

8 police detective provide Eric Caine with details of

9 the murder before Eric Caine provided any of those

10 details to investigators?

11 MS. EKL: Objection, foundation and asked and

12 answered. You've been through these same

13 questions before.

14 A I assert my Fifth Amendment rights under the

15 Constitution not to answer the question.

16 BY MR. AINSWORTH:

17 Q Isn't it true that you observed another

18 Area 2 detective tell Eric Caine that he had -- the

19 Sanchezes had been stabbed to death before Eric Caine

20 said anything about the Sanchezes being stabbed to

21 death?

22 MS. EKL: Objection, asked and answered,

23 form, foundation, assumes facts not in evidence.

24 A I assert my Fifth Amendment rights under the

1 Constitution not to answer the question.

2 BY MR. AINSWORTH:

3 Q Isn't it true that you told Eric Caine when

4 the Sanchezes were stabbed before the time that Eric

5 Caine told you anything about when the Sanchezes had

6 been stabbed to death?

7 MS. EKL: Objection, form, foundation,

8 assumes facts not in evidence.

9 A I assert my Fifth Amendment rights under the

10 Constitution not to answer the question.

11 BY MR. AINSWORTH:

12 Q Isn't it true that you knew, at the time that

13 Eric Caine gave an inculpatory statement, that his

14 inculpatory statement was false?

15 MS. EKL: Objection, foundation.

16 A I decline to answer, invoking my Fifth

17 Amendment rights under the Constitution.

18 BY MR. AINSWORTH:

19 Q Isn't it true that you observed Detective

20 Madigan strike Eric Caine in the side of the head

21 when Eric Caine refused to sign the notice of his --

22 that Detective Madigan had written down?

23 MS. EKL: Objection, form, foundation,

24 assumes facts not in evidence.

1 A I assert my Fifth Amendment rights under the
 2 Constitution not to answer the question.
 3 BY MR. AINSWORTH:
 4 Q Isn't it true that you observed Eric Caine
 5 call out in pain after Detective Madigan struck him
 6 in the side of the head with a cupped hand?
 7 MS. EKL: Objection, form, foundation,
 8 assumes facts not in evidence.
 9 A I assert my Fifth Amendment rights under the
 10 Constitution not to answer the question.
 11 BY MR. AINSWORTH:
 12 Q Isn't it true that you observed Eric Caine
 13 holding his hand over his ear in pain after Detective
 14 Madigan had struck him on the side of the head?
 15 MS. EKL: Objection, form, foundation,
 16 assumes facts not in evidence.
 17 A I assert my Fifth Amendment rights under the
 18 Constitution not to answer the question.
 19 BY MR. AINSWORTH:
 20 Q Isn't it true that you reached an agreement
 21 with Lieutenant Burge, Detective Pienta, Detective
 22 Madigan, Detective Pederson and Detective McWeeny to
 23 use force against Eric Caine to get him to provide an
 24 involuntary and false confession to the Sanchez

1 murders?
 2 MS. EKL: Objection, form, foundation,
 3 assumes facts not in evidence.
 4 A I assert my Fifth Amendment rights under the
 5 Constitution and decline to answer the question.
 6 BY MR. AINSWORTH:
 7 Q Isn't it true that you reached that agreement
 8 prior to the time that Eric Caine provided a false
 9 and inculpatory statement?
 10 MS. EKL: Objection, form, foundation,
 11 assumes facts not in evidence.
 12 A I assert my rights under the Fifth Amendment
 13 of the Constitution and decline to answer the
 14 question.
 15 BY MR. AINSWORTH:
 16 Q Isn't it true that you were present when Eric
 17 Caine asked to speak to an attorney?
 18 MS. EKL: Objection, assumes facts not in
 19 evidence, foundation.
 20 A I assert my Fifth Amendment rights under the
 21 Constitution and decline to answer the question.
 22 BY MR. AINSWORTH:
 23 Q Isn't it true that you denied Eric Caine the
 24 right to speak to an attorney?

1 MS. EKL: Objection, foundation.
 2 A I assert my Fifth Amendment rights under the
 3 Constitution and decline to answer the question.
 4 BY MR. AINSWORTH:
 5 Q Isn't it true that you observed another
 6 Area 2 detective refuse to allow to Eric Caine to
 7 access an attorney?
 8 MS. EKL: Objection, form, assumes facts not
 9 in evidence.
 10 A I assert my Fifth Amendment rights under the
 11 Constitution and decline to answer the question.
 12 MR. AINSWORTH: Let's mark this as Exhibit
 13 No. 4.
 14 (Documents marked as Marley Deposition Group
 15 Exhibit 4 for identification.)
 16 Q Is this your handwriting, sir, on Exhibit
 17 No. 4?
 18 A I'm asserting my Fifth Amendment rights under
 19 the Constitution and decline to answer the question.
 20 Q This is, Exhibit No. 4 is a two page document
 21 Bates numbered X72962 and 63. What date was this GPR
 22 that's marked as Exhibit No. 4 created?
 23 MS. EKL: Objection, foundation.
 24 A I assert my Fifth Amendment rights under the

1 Constitution and decline to answer the question.
 2 BY MR. AINSWORTH:
 3 Q Does April have 31 days, sir?
 4 A I assert my rights under the Constitution not
 5 to answer the question.
 6 Q Why did you date this document Exhibit No. 4
 7 as April 31st?
 8 MS. EKL: Objection, assumes facts not in
 9 evidence.
 10 A I assert my rights under the Fifth Amendment
 11 to the Constitution not to answer the question.
 12 BY MR. AINSWORTH:
 13 Q Isn't it true that you created the document
 14 that's been marked as Exhibit No. 4 on a date after,
 15 or at a date and time after Eric Caine provided a
 16 court reported statement?
 17 A I assert my Fifth Amendment rights under the
 18 Constitution and decline to answer.
 19 Q Isn't it true that you were present when
 20 another Area 2 detective told Eric Caine that he
 21 should just say that he was a lookout for the Sanchez
 22 murders?
 23 MS. EKL: Objection, foundation, assumes
 24 facts not in evidence.

1 A I assert my Fifth Amendment rights under the
2 Constitution and decline to answer the question.
3 BY MR. AINSWORTH:

4 Q Isn't it true that you were present when
5 another Area 2 detective told Eric Caine that he
6 should just say that he was -- that Aaron Patterson
7 committed the murders while he was just watching?

8 MS. EKL: Objection, foundation, assumes
9 facts not in evidence.

10 A I assert my Fifth Amendment rights under the
11 Constitution and decline to answer the question.

12 BY MR. AINSWORTH:

13 Q Isn't it true that you knew other detectives
14 would use force against Eric Caine in an effort to
15 get him to provide an involuntary and false
16 confession to the Sanchez murders?

17 MS. EKL: Objection, form, foundation,
18 assumes facts not in evidence.

19 A I assert my Fifth Amendment rights under the
20 Constitution not to answer your question.

21 BY MR. AINSWORTH:

22 Q Isn't it true that you and your fellow Area 2
23 detectives, between the years of 1980 and 1989, had a
24 practice of using force against suspects in order to

1 get them to provide involuntary statements?

2 MS. EKL: Objection, form, foundation,
3 assumes facts not in evidence.

4 A I assert my Fifth Amendment rights under the
5 Constitution not to answer your question.

6 BY MR. AINSWORTH:

7 Q Isn't it true that you and your fellow Area 2
8 detectives had a practice of using force against
9 suspects at Area 2 between the years 1980 and 1989 in
10 order to get them to provide false confessions?

11 MS. EKL: Objection, form, foundation,
12 assumes facts not in evidence.

13 A I assert my Fifth Amendment rights under the
14 Constitution not to answer your question.

15 MR. AINSWORTH: Let's mark this as Exhibit
16 No. 5, please.

17 (Document marked as Marley Deposition
18 Exhibit 5 for identification.)

19 Q Showing you what's been marked as Exhibit
20 No. 5, is that your handwriting on that page, sir?

21 A I assert my Fifth Amendment rights under the
22 Constitution and decline to answer your question.

23 Q Can you tell us why this document is dated
24 April 31, 1986?

1 MS. EKL: Objection, foundation.

2 A I assert my Fifth Amendment rights under the
3 Constitution and decline to answer your question.

4 BY MR. AINSWORTH:

5 Q Isn't it true that this document, Bates --
6 Exhibit No. 5 was created on a date and time after
7 Eric Caine had provided a court reported statement?

8 A I assert my Fifth Amendment rights under the
9 Constitution and decline to answer your question.

10 Q Isn't it true that Exhibit No. 5 was created
11 at a date and time after Aaron Patterson spoke with
12 the assistant state's attorney?

13 A I assert my Fifth Amendment rights under the
14 Constitution and decline to answer your question.

15 Q Are you going to assert your Fifth Amendment
16 rights and refuse to answer any questions in regard
17 to any questions I ask you about Exhibit No. 5?

18 MS. EKL: I object to the form of the
19 question, specifically his refusal to answer
20 questions. He's answered every question that
21 you've asked him, although he has asserted his
22 Fifth Amendment rights. So I object to the form
23 of the question to that extent.
24

1 BY MR. AINSWORTH:

2 Q You can answer.

3 A Yes.

4 Q And are you also going to respond by
5 asserting your Fifth Amendment rights to any question
6 I ask you about Exhibit No. 4?

7 A Yes.

8 Q Did you interrogate a person by the name of
9 Terry Harris on or about October 29, 1984?

10 A I assert my Fifth Amendment rights under the
11 Constitution and decline to answer your question.

12 Q Did you play any role in the decision to have
13 Terry Harris take a lie detector test?

14 MS. EKL: Objection, form, assumes facts not
15 in evidence.

16 A I assert my Fifth Amendment rights under the
17 Constitution and decline to answer your question.

18 BY MR. AINSWORTH:

19 Q Did you interrogate Terry Harris at 11th and
20 State after he had taken a polygraph test?

21 MS. EKL: Objection, foundation.

22 A I assert my Fifth Amendment rights under the
23 Constitution and decline to answer your question.
24

1 BY MR. AINSWORTH:

2 Q Isn't it true that you then twisted -- well,

3 strike that. Isn't it true that you twisted Terry

4 Harris' right arm behind his back and asked him why

5 he wasted your time going to take the lie detector

6 test?

7 MS. EKL: Objection, form, foundation,

8 assumes facts not in evidence.

9 A I assert my Fifth Amendment rights under the

10 Constitution and decline to answer your question.

11 BY MR. AINSWORTH:

12 Q Is it true that you observed another Area 2

13 detective twist Terry Harris' arm behind his back and

14 ask him why he wasted his time going to take the

15 test?

16 MS. EKL: Objection, form, foundation,

17 assumes facts not in evidence.

18 A I assert my Fifth Amendment rights under the

19 Constitution not to answer your question.

20 BY MR. AINSWORTH:

21 Q Isn't it true that you denied Terry Harris

22 access to an attorney?

23 MS. EKL: Objection, foundation, form.

24 A I assert my Fifth Amendment rights under the

1 Constitution and decline to answer your question.

2 BY MR. AINSWORTH:

3 Q Isn't it true that you were present when

4 Lieutenant Burge ordered Terry Harris to strip naked

5 inside the interrogation room at Area 2?

6 MS. EKL: Objection, foundation, assumes

7 facts not in evidence.

8 A I assert my Fifth Amendment rights under the

9 Constitution not to answer the question.

10 BY MR. AINSWORTH:

11 Q Isn't it true that you and your fellow Area 2

12 detectives forced Terry Harris to spend the night

13 sitting in an interrogation room in his underwear in

14 the cold the night of October 29, 1984?

15 MS. EKL: Objection, form, foundation.

16 A I assert my Fifth Amendment rights under the

17 Constitution not to answer the question.

18 BY MR. AINSWORTH:

19 Q Isn't it true that you observed Terry Harris

20 at around 7 a.m. on October 30, 1984 wearing nothing

21 but underwear after having sat through the night in a

22 cold room?

23 MS. EKL: Objection, form, assumes facts not

24 in evidence.

1 A I assert my Fifth Amendment rights under the

2 Constitution and decline to answer your question.

3 BY MR. AINSWORTH:

4 Q Isn't it true that you then observed an

5 African-American sergeant grab Terry Harris by the

6 neck and start choking him?

7 MS. EKL: Objection, assumes facts not in

8 evidence.

9 A I assert my Fifth Amendment rights under the

10 Constitution and decline to answer the question.

11 BY MR. AINSWORTH:

12 Q Isn't it true that you observed an

13 African-American sergeant grab Terry Harris by the

14 neck and ask him how would you like to be

15 strangled?

16 MS. EKL: Objection, foundation, assumes

17 facts not in evidence.

18 A I assert my Fifth Amendment rights under the

19 Constitution and decline to answer the question.

20 BY MR. AINSWORTH:

21 Q Isn't it true that you then refused to allow

22 Terry Harris access to an attorney again?

23 MS. EKL: Objection, form, foundation,

24 assumes facts not in evidence.

1 A I assert my Fifth Amendment rights under the

2 Constitution and decline to answer the question.

3 BY MR. AINSWORTH:

4 Q Isn't it true that you swore at Terry Harris?

5 MS. EKL: Objection, form, foundation.

6 A I assert my Fifth Amendment rights under the

7 Constitution and decline to answer your question.

8 BY MR. AINSWORTH:

9 Q Isn't it true that you threatened to use

10 violence against Terry Harris if he didn't cooperate?

11 MS. EKL: Objection, form, foundation.

12 A I assert my Fifth Amendment rights under the

13 Constitution and decline to answer your question.

14 BY MR. AINSWORTH:

15 Q Isn't it true that you used force against

16 Terry Harris -- well, strike that. Isn't it true

17 that you knew that other detectives were using force

18 against Terry Harris in an effort to get -- to

19 provide an involuntary and false confession?

20 MS. EKL: Objection, form, foundation,

21 assumes facts not in evidence.

22 A I assert my Fifth Amendment rights and

23 decline to answer the question.

24

1 BY MR. AINSWORTH:

2 Q How many times were you investigated by a

3 member of OPS in regard to your activities as a

4 detective at Area 2?

5 MS. EKL: Objection, assumes facts not in

6 evidence.

7 A I assert my Fifth Amendment rights under the

8 Constitution and decline to answer your question.

9 BY MR. AINSWORTH:

10 Q How many times were you interviewed by a

11 member of the Internal Affairs Division of the

12 Chicago police department about your activities as an

13 Area 2 detective?

14 MS. EKL: Objection, assumes facts not in

15 evidence.

16 A I assert my Fifth Amendment rights under the

17 Constitution and decline to answer your question.

18 BY MR. AINSWORTH:

19 Q In April of 1986 were you aware of any

20 other -- of any Chicago police detective who had been

21 disciplined by the Chicago police department for

22 using force against an arrestee during interrogation?

23 A I assert my Fifth Amendment rights under the

24 Constitution and decline to answer your question.

1 MR. AINSWORTH: I'm sorry. What was the last

2 question?

3 (Question read.)

4 Q In April of 1986 did you know that even if

5 you used force against an arrestee during the

6 interrogation, that you would be disciplined for that

7 action?

8 MS. EKL: Objection, form, assumes facts not

9 in evidence.

10 A I assert my Fifth Amendment rights under the

11 Constitution not to answer your question.

12 BY MR. AINSWORTH:

13 Q Isn't it true that it was your belief that if

14 you used a force against a suspect inside Area 2 in

15 April of 1986, that you wouldn't face any discipline

16 for that action?

17 MS. EKL: Objection, foundation.

18 A I assert my Fifth Amendment rights under the

19 Constitution not to answer your question.

20 BY MR. AINSWORTH:

21 Q Sir, if there's any possibility that you will

22 testify at trial about any of your family members,

23 I'm going to ask you questions about them now. If

24 you decline to answer those questions, then we'll ask

1 the Court to bar you from testifying about those

2 topics because you decline to testify about them now.

3 So sir, are you married?

4 A No.

5 Q Do you have any children?

6 A No.

7 Q Do you have any step children or step

8 grandchildren?

9 A No.

10 Q Have you ever been divorced?

11 A No.

12 Q Do you live with anyone else?

13 A No.

14 MR. AINSWORTH: Let's go off the record.

15 MR. SHELTON: Going off the record. The time

16 is 12:10.

17 (A recess was taken, after which the

18 proceedings were had:)

19 MR. SHELTON: We are back on the record,

20 12:17.

21 MS. EKL: And before you get started, I just

22 want to put on the record, the videographer did

23 indicate to me off the record that the sound is

24 fine and that he's had no problem with the sound

1 with it located where it is now.

2 MR. AINSWORTH: And?

3 MS. EKL: Well, based on your line of

4 questioning that this was somehow causing some

5 sort of problem that he wouldn't put it on his

6 person, I just wanted to put on the record that

7 the fact that it's not on his person but located

8 on this, whatever it's attached to, that it

9 hasn't caused any problems with the recording

10 device.

11 MR. AINSWORTH: Well, we'll find out.

12 Q Why aren't you wearing the --

13 MS. EKL: I'm not going to let him answer

14 this.

15 BY MR. AINSWORTH:

16 Q -- microphone on the lapel?

17 MS. EKL: I'm not going to let him answer

18 this. You've already been down this and it's

19 harassment. I'm not going to -- don't answer

20 anything. Just don't say anything further about

21 it.

22 BY MR. AINSWORTH:

23 Q Are you going to answer the question, sir?

24 MS. EKL: Don't answer anything. Just don't

1 answer it.
 2 BY MR. AINSWORTH:
 3 Q Are you going to take your attorney's advice
 4 and not answer the question?
 5 MS. EKL: He's already asked and answered it,
 6 Russell, about five times. So no.
 7 MR. AINSWORTH: All he has to do is tell me
 8 I'm not going to answer that question. Then I --
 9 MS. EKL: He's already told you he's not
 10 going to answer it. He's not answered it. He's
 11 told you I don't want to put it on my lapel, I
 12 don't want to put it on my person. There's no
 13 issue with it and that's why I'm putting it on
 14 the record. This is completely harassing. I'm
 15 instructing him not to answer anything. So until
 16 you ask him a question that goes beyond whether
 17 or not, why he hasn't put this microphone on his
 18 lapel, he's not going to answer. You can sit and
 19 stare at him as long as you want.
 20 BY MR. AINSWORTH:
 21 Q Are you going to answer the question, sir?
 22 MS. EKL: I'm instructing him not to answer.
 23 BY MR. AINSWORTH:
 24 Q Are you going to take your attorney's advice

1 and not answer the question?
 2 MS. EKL: Move on. Move on.
 3 MR. AINSWORTH: I can't move on while I have
 4 a question pending.
 5 MS. EKL: No, this is not a question. This
 6 is harassment. Move on. Just move on.
 7 MR. AINSWORTH: All he has to do is say --
 8 MS. EKL: He doesn't have to do anything.
 9 MR. AINSWORTH: -- I'm not going to answer
 10 the question.
 11 MS. EKL: He doesn't have to do anything. If
 12 you want to have him ordered by the Court to
 13 answer that question, go right ahead. He doesn't
 14 have to do anything at this point. It's
 15 harassment.
 16 Really? You're going to sit here and go --
 17 fine. We'll be here all day. He's not going to
 18 answer the question, Russell. He's already
 19 answered it. This is childish. Let's go.
 20 MR. AINSWORTH: All he has to do is say I'm
 21 not going to answer the question and then I can
 22 ask the next question.
 23 MS. EKL: I'm telling you he's not answering
 24 the question.

1 MR. AINSWORTH: I have a question pending.
 2 MS. EKL: He's not answering the question.
 3 MR. AINSWORTH: Please tell me what rule says
 4 that you can just have him answer with silence
 5 and not tell me, not perfect the record by saying
 6 I'm not going to answer that question? As long
 7 as he does that, then I can move on.
 8 MS. EKL: He has answered the question more
 9 than one time, multiple times. So the answer is
 10 on the record. You don't have the right to ask
 11 him the question ten times. Move on.
 12 MR. AINSWORTH: I'd like to know what his
 13 reason is now for not putting the microphone on.
 14 MS. EKL: I know you'd like to know that.
 15 He's already told you that he has no reason. He
 16 does not want it on. He's not going to give you
 17 any further answer than you've already asked him
 18 ten times.
 19 MR. AINSWORTH: But he didn't say he has no
 20 reason. He just hasn't told me what reason there
 21 is.
 22 MS. EKL: That's his reason. He doesn't --
 23 he's not putting it on. That's his reason.
 24 MR. AINSWORTH: Ms. Ekl, I'm very happy to

1 accept, you know, to question you, but I'd rather
 2 question the deponent, truthfully.
 3 MS. EKL: And you have. And you have,
 4 Russell, and this is ridiculous. There's not an
 5 issue with the microphone, there's no reason for
 6 you to be asking him these questions. Let's move
 7 on. If you're done with your questions, we'd
 8 like to leave.
 9 MR. AINSWORTH: All he has to do is just say
 10 that I'm not going to answer that question.
 11 MS. EKL: He's answered the question.
 12 MR.ARGER: Could I make a suggestion? Why
 13 don't you ask all your other questions and then
 14 come back to that last question and if they're
 15 not going to answer it, they'll leave and you can
 16 put that on the record. Just finish all your
 17 other questions. I'm just trying to move this
 18 thing along.
 19 MR. AINSWORTH: Well, I've got a pending
 20 question and I --
 21 MS. EKL: And he's refusing to answer, so
 22 there you've got your answer.
 23 MR. AINSWORTH: No, he's not refusing to
 24 answer. He's just giving me silence. You're

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1 saying he's refusing to answer. I need to hear
 2 it from the deponent.
 3 MS. EKL: He has already answered the
 4 question.
 5 MR. AINSWORTH: And correct me if I'm wrong,
 6 but it's my understanding that in order to, you
 7 know, that the attorney can't speak for the
 8 client. The client has to then say I'm not going
 9 to answer the question based on my attorney's
 10 advice, based on whatever. I just need to hear
 11 it from the deponent.
 12 MS. EKL: But he's already answered it. He
 13 hasn't refused. He's already answered it.
 14 MR. AINSWORTH: Right. But now he's not
 15 doing anything. So I'm just --
 16 Q Sir, do you remember what the question is?
 17 MS. EKL: Are you done? Because we're going
 18 to leave. If you're done, we're going to leave.
 19 MR. AINSWORTH: I've got more questions for
 20 him.
 21 MS. EKL: Okay. Well, then ask the
 22 questions. But if you continue on this, we're
 23 going to assume that you're done. Do whatever
 24 you want with it. He's not going to be answering

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1 the question. Move on or we're going to leave.
 2 It's up to you. You can have a stare down or ask
 3 a question. At this point you're being
 4 completely harassing. Let's go.
 5 MR. AINSWORTH: Please tell me, Ms. Ekl, what
 6 is harassing about asking a witness to put a
 7 microphone on their lapel?
 8 MS. EKL: There's no reason to put a -- it's
 9 his own personal desire not to have a microphone
 10 on him. There's no need for it, I verified with
 11 the videographer, he's picking up the sound.
 12 There's no need for it to be on his lapel. Why
 13 is it your desire to have it on his lapel? Why
 14 do you have to know why he won't put it on his
 15 lapel? What does it matter? Tell me where in
 16 the rules it requires that he put a microphone
 17 attached to his person.
 18 MR. AINSWORTH: Oh, it doesn't.
 19 MS. EKL: Right.
 20 MR. AINSWORTH: But it allows me to record,
 21 however we choose, including by stenographic
 22 means, audio means and video means.
 23 MS. EKL: And you're getting it by audio
 24 means. It's picking it up. It doesn't say audio

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1 means attached to his person.
 2 BY MR. AINSWORTH:
 3 Q Turn to Exhibit 5, please, if you have that
 4 there. Please read the first line of this GPR.
 5 A I assert my Fifth Amendment rights under the
 6 Constitution not to answer your question.
 7 Q Does it say Saigon, open paren, south
 8 Chicago, closed paren?
 9 MS. EKL: Objection, foundation.
 10 A I assert my Fifth Amendment rights under the
 11 Constitution not to answer your question.
 12 BY MR. AINSWORTH:
 13 Q Did you write that?
 14 A I assert my Fifth Amendment rights under the
 15 Constitution not to answer your question.
 16 Q Why did you write that?
 17 MS. EKL: Objection, assumes facts not in
 18 evidence.
 19 A I assert my Fifth Amendment rights under the
 20 Constitution not to answer your question.
 21 BY MR. AINSWORTH:
 22 Q Read the second line of this document.
 23 A I assert my Fifth Amendment rights under the
 24 Constitution not to answer your question.

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1 Q Does it say made the ninja move?
 2 MS. EKL: Objection, foundation.
 3 A I assert my Fifth Amendment rights under the
 4 Constitution not to answer your question.
 5 BY MR. AINSWORTH:
 6 Q Did you write that?
 7 A I assert my Fifth Amendment rights under the
 8 Constitution not to answer your question.
 9 Q Why did you write that?
 10 MS. EKL: Objection, assumes facts not in
 11 evidence.
 12 A I assert my Fifth Amendment rights under the
 13 Constitution not to answer your question.
 14 BY MR. AINSWORTH:
 15 Q Read the next line on this document.
 16 MR.ARGER: Is that a question?
 17 A I assert my Fifth Amendment rights under the
 18 Constitution not to answer your question.
 19 BY MR. AINSWORTH:
 20 Q Does it say I took control, I knew what I had
 21 to do?
 22 MS. EKL: Objection, foundation.
 23 A I assert my Fifth Amendment rights under the
 24 Constitution not to answer your question.

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1 BY MR. AINSWORTH:
 2 Q Did you write that?
 3 A I assert my Fifth Amendment rights under the
 4 Constitution not to answer your question.
 5 Q Why did you write that?
 6 MS. EKL: Objection, assumes facts not in
 7 evidence.
 8 A Same answer, my Fifth Amendment rights under
 9 the Constitution not to answer your question.
 10 BY MR. AINSWORTH:
 11 Q Why are you asserting your Fifth Amendment
 12 rights not to answer the questions here today?
 13 MS. EKL: Objection. He does not have to
 14 state why he -- it's completely improper to ask
 15 him the basis for his Fifth Amendment rights at
 16 this stage.
 17 A I assert my Fifth Amendment rights under the
 18 Constitution not to answer your question.
 19 BY MR. AINSWORTH:
 20 Q Do you have a good faith basis to believe
 21 that a truthful response to questions here today
 22 would subject you to criminal liability?
 23 A I assert my Fifth Amendment rights under the
 24 Constitution and decline to answer your question.

1 Q Have you decided to assert your Fifth
 2 Amendment right in consultation with any attorneys?
 3 A I assert my Fifth Amendment right under the
 4 Constitution and decline to answer your questions.
 5 Q Which attorneys have you consulted with on
 6 that topic?
 7 MS. EKL: Objection, assumes facts not in
 8 evidence.
 9 A I assert my Fifth Amendment rights under the
 10 Constitution not to answer your questions.
 11 BY MR. AINSWORTH:
 12 Q Pause before you answer this question. What
 13 did those attorneys that you consulted with tell you
 14 with regard to whether or not to assert your Fifth
 15 Amendment rights?
 16 MS. EKL: Objection, assumes facts not in
 17 evidence and also attorney-client privileged,
 18 confidential. I'm going to instruct him not to
 19 answer that question based on attorney-client
 20 privilege on the one hand, but also assert the
 21 other objection. You don't have to answer that.
 22 BY MR. AINSWORTH:
 23 Q Are you going to take your attorney's advice
 24 and not answer that question?

1 MS. EKL: I can't tell you to answer yes or
 2 no.
 3 A Yes.
 4 BY MR. AINSWORTH:
 5 Q Can you read the next line of this document?
 6 MS. EKL: Just for the record, what line are
 7 you referring to?
 8 MR. AINSWORTH: The one right below I took
 9 control, I knew what I had to do.
 10 A I assert my Fifth Amendment rights under the
 11 Constitution and decline to answer your question.
 12 Q Does it say secure the situation?
 13 MS. EKL: Objection, foundation.
 14 A I assert my Fifth Amendment rights under the
 15 Constitution and decline to answer your question.
 16 BY MR. AINSWORTH:
 17 Q Did you write that?
 18 A I assert my Fifth Amendment rights under the
 19 Constitution and decline to answer your question.
 20 Q Why did you write that?
 21 MS. EKL: Objection, assumes facts not in
 22 evidence.
 23 A Same answer. I assert my Fifth Amendment
 24 rights under the Constitution and decline to answer

1 your question.
 2 BY MR. AINSWORTH:
 3 Q Who's your supervisor currently?
 4 A I assert my Fifth Amendment rights under the
 5 Constitution and decline to answer your question.
 6 Q Does your supervisor know that you're giving
 7 a deposition here today?
 8 MS. EKL: Objection, foundation.
 9 A I assert my Fifth Amendment rights under the
 10 Constitution and decline to answer your question.
 11 BY MR. AINSWORTH:
 12 Q Have you spoken to anyone within the Cook
 13 County state's attorney's office about any
 14 investigation into potential misconduct by Area 2
 15 police detectives?
 16 MS. EKL: Objection, form, foundation.
 17 A I assert my Fifth Amendment rights under the
 18 Constitution and decline to answer your question.
 19 BY MR. AINSWORTH:
 20 Q Can you read the next line on this document?
 21 A I decline to answer your question, citing my
 22 Fifth Amendment rights under the Constitution.
 23 Q Does it say scoped out the whole crib?
 24 MS. EKL: Objection, foundation.

1 A I assert my Fifth Amendment rights under the
 2 Constitution and decline to answer your question.
 3 BY MR. AINSWORTH:
 4 Q Did you write that?
 5 A I assert my Fifth Amendment rights under the
 6 Constitution and decline to answer your question.
 7 Q Why did you write that?
 8 MS. EKL: Objection, assumes facts not in
 9 evidence.
 10 A I assert my Fifth Amendment rights under the
 11 Constitution and decline to answer your question.
 12 MR. SHELTON: I'm going to have to change
 13 tapes real soon.
 14 MR. AINSWORTH: Why don't you change tapes.
 15 MR. SHELTON: Going off the record. This
 16 concludes tape one of the deposition of William
 17 Marley. The time is 12:31 p.m.
 18 (Whereupon a brief interruption occurred.)
 19 MR. AINSWORTH: Mark this as 6.
 20 (Documents marked as Marley Deposition Group
 21 Exhibit 6 for identification.)
 22 MR. SHELTON: We are back on the record.
 23 This is the beginning of tape two of the
 24 deposition of William Marley. The time is

1 12:33 p.m.
 2 BY MR. AINSWORTH:
 3 Q Did you question a person named Marva Hall in
 4 the course of the Sanchez homicide investigation?
 5 A I assert my Fifth Amendment privilege under
 6 the Constitution and decline to answer your question.
 7 Q Isn't it true that you knew that Marva Hall
 8 was not telling the truth about Aaron Patterson
 9 having something to do with the Sanchez murders when
 10 you questioned Marva Hall?
 11 MS. EKL: Objection, form, foundation,
 12 assumes facts not in evidence.
 13 A I assert my Fifth Amendment rights under the
 14 Constitution and decline to answer your question.
 15 BY MR. AINSWORTH:
 16 Q I'm showing you what's been marked as Exhibit
 17 No. 6. This is a nine page document Bates numbered
 18 X72930 through 72938. Sir, did you prepare any
 19 portion of this document?
 20 A I assert my Fifth Amendment rights under the
 21 Constitution and decline to answer your question.
 22 Q Did you provide any information that was used
 23 to compile this report?
 24 A I'm asserting my Fifth Amendment rights under

1 the Constitution. I decline to answer the question.
 2 Q Which portions of this report did you provide
 3 information about?
 4 A I decline to answer your question, citing my
 5 Fifth Amendment privilege.
 6 Q Are you going to assert your Fifth Amendment
 7 privilege in response to the questions I ask you
 8 about Exhibit No. 6?
 9 A Yes.
 10 Q Let's go back to Exhibit No. 5. Can you read
 11 the next line that starts with coward?
 12 A I assert my Fifth Amendment privilege and
 13 decline to answer your question.
 14 Q Does it say coward ran off, Caine the pussy?
 15 MS. EKL: Objection, foundation.
 16 A I assert my Fifth Amendment rights under the
 17 Constitution and decline to answer your question.
 18 BY MR. AINSWORTH:
 19 Q Did you write that?
 20 A I assert my Fifth Amendment rights under the
 21 Constitution and decline to answer your question.
 22 Q Why did you write that?
 23 MS. EKL: Objection, assumes facts not in
 24 evidence.

1 A Same answer. I assert my Fifth Amendment
 2 rights under the Constitution and decline to answer
 3 your question.
 4 BY MR. AINSWORTH:
 5 Q How many times have you been sued?
 6 A Citing my Fifth Amendment privilege, I would
 7 decline to answer your question.
 8 Q Did you know that Aaron Patterson was a son
 9 of a police officer when you questioned him?
 10 MS. EKL: Objection, assumes facts not in
 11 evidence.
 12 A Asserting my Fifth Amendment rights under the
 13 Constitution, I decline to answer your question.
 14 BY MR. AINSWORTH:
 15 Q Did you ever learn that Aaron Patterson's son
 16 was a police officer?
 17 MS. EKL: Objection to form. I think you
 18 misspoke. You might want to rephrase that.
 19 A I don't understand your question.
 20 BY MR. AINSWORTH:
 21 Q Did you ever learn that Aaron Patterson's
 22 father was a police officer?
 23 A Asserting my Fifth Amendment rights under the
 24 Constitution, I decline to answer your question.

1 Q Sir, between the years of 1980 and 1989 you
 2 knew that Area 2 detectives would strike suspects in
 3 the side of their head to cause a painful injury to
 4 their ears in an effort to get them to provide
 5 involuntary and false confessions, is that correct?
 6 MS. EKL: Objection.
 7 MR.ARGER: In addition to my standing
 8 objections which still apply. I think these have
 9 been asked and answered.
 10 MS. EKL: And objection, form, foundation,
 11 assumes facts not in evidence.
 12 A I'm asserting my Fifth Amendment rights under
 13 the Constitution and decline to answer your question.
 14 BY MR. AINSWORTH:
 15 Q Isn't it true, sir, that from 1980 to 1989
 16 you knew that other Area 2 detectives, including
 17 yourself, would use suffocation as a tool to get
 18 criminal suspects to provide false and involuntary
 19 confessions?
 20 MS. EKL: Objection, form, foundation,
 21 assumes facts not in evidence.
 22 A Asserting my Fifth Amendment rights under the
 23 Constitution, I decline to answer your question.
 24

1 BY MR. AINSWORTH:
 2 Q Isn't it true, sir, that you knew that other
 3 Area 2 detectives, including yourself, from 1980 to
 4 1989 would use the tactic of having one criminal
 5 suspect view another one who had been already
 6 previously beaten in an effort to intimidate the
 7 first criminal suspect into providing a false and
 8 involuntary statement?
 9 MS. EKL: Objection, form, foundation,
 10 assumes facts not in evidence.
 11 A Asserting my Fifth Amendment rights, I
 12 decline to answer your question.
 13 BY MR. AINSWORTH:
 14 Q Isn't it true that you withheld exculpatory
 15 evidence from the prosecution and from Eric Caine's
 16 defense team as part of a widespread practice that
 17 was used in Area 2 to withhold exculpatory evidence
 18 from criminal suspects?
 19 MS. EKL: Objection, form, foundation,
 20 assumes facts not in evidence.
 21 MR.ARGER: Join.
 22 A Asserting my Fifth Amendment rights, I
 23 decline to answer your question.
 24

1 BY MR. AINSWORTH:
 2 Q How do you know Detective McWeeny?
 3 A I assert my Fifth Amendment rights under the
 4 Constitution and decline to answer your question.
 5 Q How do you know Detective Pederson?
 6 A Same answer. I assert my Fifth Amendment
 7 rights under the Constitution and decline to answer
 8 your question.
 9 Q How do you know Detective Burge?
 10 A Same answer. I decline to answer your
 11 question, citing my Fifth Amendment privilege.
 12 Q How do you know Detective Pienta?
 13 A Again I assert my constitutional privilege.
 14 I decline to answer your question.
 15 Q When was the last time you saw Detective
 16 Burge?
 17 A I assert my Fifth Amendment rights under the
 18 Constitution and decline to answer your question.
 19 Q When was the last time you spoke with Jon
 20 Burge?
 21 A I assert my Fifth Amendment rights under the
 22 Constitution and decline to answer your question.
 23 Q Between 1980 and 1989 did you socialize with
 24 Jon Burge?

1 A Citing my Fifth Amendment privilege, I
 2 decline to answer your question.
 3 Q When was the last time you socialized with
 4 Jon Burge?
 5 MS. EKL: Objection, assumes facts not in
 6 evidence.
 7 A Citing my Fifth Amendment privilege, I
 8 decline to answer your question.
 9 BY MR. AINSWORTH:
 10 Q When was the last time you socialized with
 11 Detective Pienta?
 12 MS. EKL: Objection, assumes facts not in
 13 evidence.
 14 A Asserting my Fifth Amendment rights under the
 15 Constitution, I decline to answer your question.
 16 BY MR. AINSWORTH:
 17 Q When was the last time you socialized with
 18 Detective McWeeny?
 19 MS. EKL: Objection, assumes facts not in
 20 evidence.
 21 A Asserting my Fifth Amendment rights under the
 22 Constitution, I decline to answer your question.
 23 BY MR. AINSWORTH:
 24 Q When was the last time you socialized with

1 Detective Madigan?

2 MS. EKL: Objection, assumes facts not in

3 evidence.

4 A Asserting my Fifth Amendment rights under the

5 Constitution, I decline to answer your question.

6 BY MR. AINSWORTH:

7 Q Let's go back to Exhibit No. 5. Can you read

8 the next line, the line that begins with the chump?

9 A Citing my Fifth Amendment rights, I decline

10 to answer your question.

11 Q Does it say the chump first stated -- started

12 backing up?

13 MS. EKL: Objection, foundation.

14 A I assert my Fifth Amendment privilege not to

15 answer your question under the Constitution.

16 BY MR. AINSWORTH:

17 Q Did you write that?

18 A I assert my Fifth Amendment rights under the

19 Constitution not to answer your question.

20 Q Why did you write that?

21 MS. EKL: Objection, assumes facts not in

22 evidence.

23 A Same answer. I assert my Fifth Amendment

24 rights under the Constitution not to answer your

1 question.

2 BY MR. AINSWORTH:

3 Q Have you ever been on Jon Burge's boat?

4 MS. EKL: Objection, assumes facts not in

5 evidence.

6 A I assert my Fifth Amendment right to the

7 Constitution and decline to answer your question.

8 BY MR. AINSWORTH:

9 Q Can you read the next line on Exhibit No. 5?

10 A I decline to answer your question, citing my

11 Fifth Amendment privilege.

12 Q Does it say I moved on him till I got the job

13 done?

14 MS. EKL: Objection, foundation.

15 A I assert my Fifth Amendment rights under the

16 Constitution not to answer your question.

17 BY MR. AINSWORTH:

18 Q Did you write that?

19 A I assert my Fifth Amendment rights under the

20 Constitution not to answer your question.

21 Q Why did you write that?

22 MS. EKL: Objection, assumes facts not in

23 evidence.

24 A I assert my Fifth Amendment rights under the

1 Constitution not to answer your question.

2 BY MR. AINSWORTH:

3 Q When did you write that?

4 MS. EKL: Objection, assumes facts not in

5 evidence.

6 A Same answer, I avail myself of the Fifth

7 Amendment and decline to answer your question.

8 BY MR. AINSWORTH:

9 Q Isn't it true that you know Aaron Patterson

10 had nothing to do with the Sanchez murders?

11 A I assert my Fifth Amendment rights under the

12 Constitution not to answer your question.

13 Q Is it your assertion that the allegations

14 lodged against you by Aaron Patterson are false?

15 MS. EKL: Objection, form.

16 A I assert my Fifth Amendment rights under the

17 Constitution not to answer your question.

18 BY MR. AINSWORTH:

19 Q Tell me every witness and every piece of

20 paper that you can point to that would show that the

21 allegations against you by Aaron Patterson are false.

22 MS. EKL: Objection, form.

23 A I assert my Fifth Amendment rights under the

24 Constitution not to answer your question.

1 BY MR. AINSWORTH:

2 Q Is it your position that the allegations

3 lodged against you by Eric Caine are false?

4 MS. EKL: Objection, form.

5 A I assert my Fifth Amendment rights under the

6 Constitution not to answer your question.

7 BY MR. AINSWORTH:

8 Q Tell me every person who will testify on your

9 behalf that the allegations are false and every piece

10 of paper that you can point to that would show that

11 the allegations are false.

12 MS. EKL: Objection, form.

13 A I assert my Fifth Amendment rights under the

14 Constitution not to answer your question.

15 BY MR. AINSWORTH:

16 Q Why won't you wear the microphone?

17 MS. EKL: Objection. We are not going down

18 this road again. I'm instructing him not to

19 answer the question.

20 BY MR. AINSWORTH:

21 Q Are you going to take your attorney's advice

22 and not answer the question?

23 MS. EKL: Are you done with your other questions?

24 MR. AINSWORTH: I am.

1 MS. EKL: Okay. Well, we're done today.
 2 MR. AINSWORTH: Are you reserving signature?
 3 MS. EKL: I am waiving signature.
 4 MR. AINSWORTH: Are you going to answer the
 5 question, sir?
 6 MS. EKL: We're done. We're done.
 7 MR. ARGER: Just for the record, I do not have
 8 any questions.
 9 MR. SHELTON: Going off the record. This
 10 concludes tape two and concludes the deposition of
 11 William Marley. The time is 12:46 p.m.
 12 MR. AINSWORTH: Thank you very much for your
 13 time.

(WITNESS EXCUSED.)

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1 STATE OF ILLINOIS)
) SS.
 2 COUNTY OF C O O K)
 3 I, LYDIA B. PINKAWA, CSR and Notary Public in
 4 and for the County of Cook and State of Illinois, do
 5 hereby certify that on May 29, 2012, at 10:26 a.m.,
 6 at Suite 100, 312 North May Street, Chicago,
 7 Illinois, the deponent WILLIAM MARLEY personally
 8 appeared before me.
 9 I further certify that the said William Marley
 10 was by me first duly sworn to testify and that the
 11 foregoing is a true record of the testimony given by
 12 the witness.
 13 I further certify that the deposition
 14 terminated at 12:46 p.m.
 15 I further certify that I am not counsel for nor
 16 related to any of the parties herein, nor am I
 17 interested in the outcome hereof.

In witness whereof, I have hereunto set my hand
 and seal of office this 1st day of August, 2012.

Notary Public

CSR No. 084-002342 - Expiration Date: May 31, 2013

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In The Matter Of:*Eric Caine**vs.**Jon Burge**James Pienta**May 22, 2012*

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 Chicago, IL 60606
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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF ILLINOIS
 EASTERN DIVISION

ERIC CAINE,)
)
 Plaintiff,)
)
 -vs-) No. 1:11-cv-08996
)
 JON BURGE, JAMES PIENTA,)
 RAYMOND MADIGAN, WILLIAM)
 MARLEY, WILLIAM PEDERSON,)
 DANIEL McWEENY, CITY OF)
 CHICAGO and UNIDENTIFIED)
 EMPLOYEES OF THE CITY OF)
 CHICAGO,)
)
 Defendants.)

The deposition of JAMES PIENTA, called by the plaintiff for examination, pursuant to notice and pursuant to the Rules of Civil Procedure for the United States District Courts, taken before Lydia B. Pinkawa, CSR and Notary Public in and for the County of Cook and State of Illinois, on May 22, 2012, at 10:25 a.m., at Suite 100, 312 North May Street, Chicago, Illinois.

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EXHIBIT
 13

PRESENT:

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 James Pienta, Raymond Madigan, William
 Marley, William Pederson and Daniel McWeeny,

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 Chicago.

I N D E X

WITNESS

James Pienta

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1 JAMES PIENTA,
2 having been first duly sworn, was examined and
3 testified as follows:
4 DIRECT EXAMINATION
5 BY MR. AINSWORTH:
6 Q Sir, would you please state and spell your
7 name for the record?
8 A James Pienta, P-i-e-n-t-a.
9 Q And sir, I understand that you were a
10 detective at Area 2 for some period of time, is that
11 correct?
12 A It is my desire to answer your questions
13 fully. However, I'm aware that merely answering your
14 questions might lead to my prosecution for a criminal
15 offense. Acting on the advice of my attorney, I
16 choose not to answer your question based on the
17 rights afforded me in the Fifth Amendment to the
18 United States Constitution.
19 MS. EKL: And counsel, would you stipulate
20 that if he were to answer any other questions in
21 which he asserted his Fifth Amendment rights and
22 just stated I assert my Fifth Amendment rights,
23 that he would adopt this statement as is stated
24 in full?

1 MR. AINSWORTH: I so stipulate.
2 MS. EKL: Thank you.
3 BY MR. AINSWORTH:
4 Q Were you a detective at Area 2 as far back as
5 1973?
6 A I stand on my Fifth Amendment right.
7 Q And you refuse to answer the question?
8 A I stand on my Fifth Amendment right.
9 Q And when did you stop being an Area 2 -- a
10 detective at Area 2?
11 A I stand on my Fifth Amendment right.
12 Q How old are you, sir?
13 A I stand on my Fifth Amendment right.
14 Q In 1986 -- well, strike that. Would you
15 describe your appearance in 1986?
16 A I stand on my Fifth Amendment right.
17 Q What color hair did you have in April or May
18 of 1986?
19 A I stand on my Fifth Amendment right.
20 Q How tall were you in April or May of 1986?
21 A I stand on my Fifth Amendment right.
22 Q And how much did you weigh in April or May
23 of 1986?
24 A I stand on my Fifth Amendment right.

1 Q How did you learn about the fact that the
2 Sanchezes had been killed?
3 A I stand on my Fifth Amendment right.
4 Q Please tell me what steps you took to
5 investigate the Sanchez murders.
6 MS. EKL: Objection, assumes facts not in
7 evidence.
8 A I stand on my Fifth Amendment right.
9 BY MR. AINSWORTH:
10 Q Isn't it true that you did investigate the
11 Sanchez murders?
12 A I stand on my Fifth Amendment right.
13 Q Please tell me every witness you questioned
14 in regard to the Sanchez murders.
15 MS. EKL: Objection, assumes facts not in
16 evidence.
17 A I stand on my Fifth Amendment right.
18 MR. AINSWORTH: Let's mark this as Exhibit
19 No. 1 to your deposition.
20 (Document marked as Pienta Deposition
21 Exhibit 1 for identification.)
22 Q Showing you what's been marked as Exhibit
23 No. 1, which for the record is a one page document
24 Bates numbered X73003, sir, did you create this

1 report that's been marked as Exhibit No. 1?
2 A I stand on my Fifth Amendment right.
3 Q Did you interview a 16-year-old girl named
4 Marva Hall?
5 A I stand on my Fifth Amendment right.
6 Q What did Marva Hall tell you?
7 MS. EKL: Objection, assumes facts not in
8 evidence.
9 A I stand on my Fifth Amendment right.
10 BY MR. AINSWORTH:
11 Q Did you tell Marva Hall details about the
12 Sanchez homicides before Marva Hall volunteered any
13 of those details to you?
14 A I stand on my Fifth Amendment right.
15 Q Isn't it true that you told Marva Hall how
16 the Sanchezes were killed before Marva Hall told you
17 anything about her own knowledge of how the Sanchezes
18 were killed?
19 A I stand on my Fifth Amendment right.
20 Q Isn't it true that you told Marva Hall that
21 the Sanchezes had been stabbed before she said
22 anything to you about knowing that the Sanchezes had
23 been stabbed?
24 A I stand on my Fifth Amendment right.

1 Q Were there details that Marva Hall told you
2 that did not match with your understanding of how the
3 Sanchez homicides had been committed?

4 A I stand on my Fifth Amendment right.

5 Q Did you conduct any followup to find out why
6 Marva Hall was telling you details about the Sanchez
7 homicides that didn't match the actual homicides?

8 MS. EKL: Objection, assumes facts not in
9 evidence.

10 A I stand on my Fifth Amendment right.

11 BY MR. AINSWORTH:

12 Q Did you determine whether or not a shotgun
13 had been stolen from the Sanchezes the night that
14 they were killed?

15 A I stand on my Fifth Amendment right.

16 Q Did you tell Marva Hall that if she
17 implicated Aaron Patterson, that her cousin, Dale
18 Wood White, would not be implicated in the crime?

19 A I stand on my Fifth Amendment right.

20 Q Where did you interview Marva Hall?

21 A I stand on my Fifth Amendment right.

22 Q Isn't it true that you interviewed Marva Hall
23 while she was alone?

24 A I stand on my Fifth Amendment right.

1 Q Showing you the second line of Exhibit No. 1,
2 would you please tell us what appeared on this
3 document underneath where it says, where a 19 is
4 written in before APR, dot, 86?

5 MS. EKL: Objection, foundation.

6 A I stand on my Fifth Amendment right.

7 BY MR. AINSWORTH:

8 Q Isn't it true that originally under the 19
9 and then APR.86 it was typed 20, two zero?

10 MS. EKL: Objection, foundation.

11 A I stand on my Fifth Amendment right.

12 BY MR. AINSWORTH:

13 Q Who typed this report that's Exhibit No. 1?

14 A I stand on my Fifth Amendment right.

15 Q Were handwritten notes of the interview of
16 Marva Hall taken?

17 A I stand on my Fifth Amendment right.

18 Q What happened to the notes, the handwritten
19 notes that were taken of the interview of Marva Hall?

20 MS. EKL: Objection, assumes facts not in
21 evidence.

22 A I stand on my Fifth Amendment right.

23 BY MR. AINSWORTH:

24 Q Isn't it true that the handwritten notes of

1 the interview of Marva Hall were destroyed?

2 MS. EKL: Objection, assumes facts not in
3 evidence.

4 A I stand on my Fifth Amendment rights.

5 BY MR. AINSWORTH:

6 Q Isn't it true that Marva Hall provided
7 information to you and your fellow detectives that is
8 not contained in this typewritten report?

9 MS. EKL: Objection, foundation, assumes
10 facts not in evidence.

11 A I stand on my Fifth Amendment right.

12 BY MR. AINSWORTH:

13 Q Isn't it true that you wrote, you handwrote
14 the fact that you had provided details of the Sanchez
15 homicides, including the fact that they had been
16 stabbed, to Marva Hall before she volunteered any of
17 those facts?

18 MS. EKL: Objection, assumes facts not in
19 evidence.

20 A I stand on my Fifth Amendment right.

21 BY MR. AINSWORTH:

22 Q Isn't it true that you withheld any
23 handwritten notes that were taken of the interview
24 with Marva Hall on April 26th and that you withheld

1 them from prosecution and from Eric Caine's defense
2 team?

3 MS. EKL: Objection to form.

4 A I stand on my Fifth Amendment right.

5 BY MR. AINSWORTH:

6 Q Are you going to assert your Fifth Amendment
7 rights and refuse to answer any other questions that
8 I ask you about Exhibit No. 1?

9 A Yes.

10 Q Did Marva Hall describe the third male black
11 to you who supposedly committed the Sanchez murders?

12 A I stand on my Fifth Amendment rights.

13 Q Did you ask her to describe the third male
14 black to you?

15 A I stand on my Fifth Amendment rights.

16 Q Did she tell you that the third male black
17 was tall?

18 A I stand on my Fifth Amendment rights.

19 Q Isn't it true that Marva Hall told you the
20 third male black was a tall person?

21 A I stand on my Fifth Amendment rights.

22 MR. AINSWORTH: Let's mark this as Exhibit
23 No. 2, please.

24

1 (Documents marked as Pienta Deposition
2 Exhibit 2 for identification.)
3 Q Showing you what's been marked as Exhibit
4 No. 2, this is a five page document Bates numbered
5 X72982 through 986. Sir, did you create the first
6 page of Exhibit No. 2?
7 A I stand on my Fifth Amendment rights.
8 Q Who created the first page of Exhibit No. 2?
9 A I stand on my Fifth Amendment right.
10 Q Looking at the bottom line of the narrative
11 portion of Exhibit No. 2, what does the phrase 12
12 known members of the tribe mean?
13 MS. EKL: Objection, foundation.
14 A I stand on my Fifth Amendment rights.
15 BY MR. AINSWORTH:
16 Q Who are the 12 known members of the tribe?
17 MS. EKL: Objection, foundation.
18 A I stand on my Fifth Amendment right.
19 BY MR. AINSWORTH:
20 Q Please tell us why the 12 individuals who are
21 listed on pages X72983 through 986 were included in
22 the request for latent fingerprint comparison.
23 MS. EKL: Objection, foundation.
24 A I stand on my Fifth Amendment rights.

1 BY MR. AINSWORTH:
2 Q Did you question Willie Washington in regard
3 to the Sanchez murders?
4 A I stand on my Fifth Amendment rights.
5 Q Isn't it true that Willie Washington told you
6 that he had committed the Sanchez murders, with his
7 brother Wayne acting as a lookout?
8 A I stand on my Fifth Amendment rights.
9 Q Tell me every step that you took to locate
10 Willie Washington.
11 MS. EKL: Objection, assumes facts not in
12 evidence.
13 A I stand on my Fifth Amendment rights.
14 BY MR. AINSWORTH:
15 Q Isn't it true that you documented the fact
16 that Willie Washington told you that he committed the
17 Sanchez homicides while his brother Wayne acted as a
18 lookout?
19 MS. EKL: Objection, assumes facts not in
20 evidence.
21 A I stand on my Fifth Amendment rights.
22 BY MR. AINSWORTH:
23 Q Isn't it true that you withheld from the
24 prosecution and from Eric Caine's defense team the

1 fact that Willie Washington, or the documentation
2 that showed that Willie Washington had told you that
3 he had committed the Sanchez murders while his
4 brother Wayne acted as a lookout?
5 MS. EKL: Objection, form, assumes facts not
6 in evidence.
7 A I stand on my Fifth Amendment rights.
8 BY MR. AINSWORTH:
9 Q Are you going to assert your Fifth Amendment
10 rights and not answer any other questions about
11 Exhibit No. 2?
12 A Yes.
13 MS. EKL: I just, I know this is a late
14 objection, but I just object to the form of the
15 question to the extent that it implies that he's
16 refusing to answer any questions. I believe your
17 question was are you going to assert your Fifth
18 Amendment rights and continue to refuse to answer
19 questions. He has answered every question that
20 you have asked him. He has asserted his rights.
21 So I just object to the form of that question.
22 BY MR. AINSWORTH:
23 Q So I'll rephrase it. Are you going to assert
24 your Fifth Amendment rights in response to any

1 question I ask you about Exhibit No. 2?
2 A Yes.
3 MS. EKL: Thank you.
4 MR. AINSWORTH: Let's mark this as Exhibit
5 No. 3, please.
6 (Document marked as Pienta Deposition
7 Exhibit 3 for identification.)
8 Q Showing you what's been marked as Pienta
9 Exhibit No. 3, this is a one page document Bates
10 numbered X73001. Sir, did you create this document,
11 Exhibit No. 3?
12 A I stand on my Fifth Amendment rights.
13 Q If your name is listed first in the bottom
14 left corner where it says reporting officer's
15 signature, does that mean that you're the person who
16 prepared this document?
17 A I stand on my Fifth Amendment rights.
18 Q Isn't it true that Richard Burnette told you
19 that Willie Washing -- that he had heard that Willie
20 Washington committed the Sanchez murders?
21 A I stand on my Fifth Amendment rights.
22 Q After you spoke to Richard Burnette, did you
23 take any steps to try and locate Willie Washington?
24 MS. EKL: Objection, assumes facts not in

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1 evidence.

2 A I stand on my Fifth Amendment rights.

3 BY MR. AINSWORTH:

4 Q Who was your regular partner in April

5 of 1986?

6 A I stand on my Fifth Amendment rights.

7 Q Did you have a regular partner in April

8 of 1986?

9 A I stand on my Fifth Amendment rights.

10 MR. AINSWORTH: Let's mark this as Exhibit

11 No. 4.

12 (Document marked as Pienta Deposition

13 Exhibit 4 for identification.)

14 Q Before we go to No. 4, sir, are you going to

15 assert your Fifth Amendment rights in response to any

16 questions that we ask you or that I ask you about

17 Exhibit No. 3?

18 A Yes.

19 Q Turning to Exhibit No. 4, which is a one page

20 document Bates numbered X72960, sir, did you type

21 this document?

22 A I stand on my Fifth Amendment rights.

23 Q Would you please describe room number 3 or

24 interrogation room number 3 as it existed in Area 2

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1 back in 1986?

2 A I stand on my Fifth Amendment right.

3 Q Isn't it true that Eric Caine was handcuffed

4 while he was at Area 2?

5 MS. EKL: Objection, foundation.

6 A I stand on my Fifth Amendment right.

7 BY MR. AINSWORTH:

8 Q Who created this document that is marked as

9 Exhibit No. 4?

10 A I stand on my Fifth Amendment rights.

11 Q Why is this document dated April 31, 1986?

12 MS. EKL: Objection, foundation.

13 A I stand on my Fifth Amendment right.

14 BY MR. AINSWORTH:

15 Q The conversations that are documented on

16 Exhibit No. 4, did they occur on April 30th or on

17 May 1st?

18 MS. EKL: Objection, foundation.

19 A I stand on my Fifth Amendment right.

20 BY MR. AINSWORTH:

21 Q Are you going to assert your Fifth Amendment

22 rights in response to any question I ask you about

23 Exhibit No. 4?

24 A Yes, sir.

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1 Q Isn't it true that you arrested Aaron

2 Patterson?

3 A I stand on my Fifth Amendment right.

4 Q Isn't it true that you assisted other

5 detectives in transporting Aaron Patterson to the

6 police station?

7 A I stand on my Fifth Amendment rights.

8 Q Isn't it true that you assisted -- strike

9 that. Isn't it true that when you transported Aaron

10 Patterson to the police station, you also transported

11 a man by the name of James Hill?

12 MS. EKL: Objection, assumes facts not in

13 evidence.

14 A I stand on my Fifth Amendment rights.

15 BY MR. AINSWORTH:

16 Q Isn't it true that when you transported Aaron

17 Patterson to Area 2, that you transported him with a

18 man named James Hill?

19 MS. EKL: Objection, assumes facts not in

20 evidence.

21 A I stand on my Fifth Amendment rights.

22 BY MR. AINSWORTH:

23 Q Isn't it true that while driving in a car to

24 Area 2 with Aaron Patterson, you reached across Aaron

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1 Patterson and slapped James Hill in the face?

2 MS. EKL: Objection, assumes facts not in

3 evidence.

4 A I stand on my Fifth Amendment rights.

5 BY MR. AINSWORTH:

6 Q Isn't it true that you then told Aaron

7 Patterson that if you had been the officer who found

8 him, that he, Aaron Patterson would be dead?

9 MS. EKL: Objection, assumes facts not in

10 evidence.

11 A I stand on my Fifth Amendment rights.

12 BY MR. AINSWORTH:

13 Q Isn't it true that Detectives Marley and

14 Pederson were also in the car with you when you were

15 transporting Aaron Patterson and James Hill to

16 Area 2?

17 MS. EKL: Objection, assumes facts not in

18 evidence.

19 A I stand on my Fifth Amendment right.

20 BY MR. AINSWORTH:

21 Q Isn't it true that you then interrogated

22 Aaron Patterson inside an interrogation room at

23 Area 2?

24 MS. EKL: Objection, assumes facts not in

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1 evidence.

2 A I stand on my Fifth Amendment rights.

3 BY MR. AINSWORTH:

4 Q Isn't it true that you told other officers in

5 the room, I don't know about the rest of you, but I'm

6 tired of listening to this bullshit, I'm ready to

7 kick his ass?

8 MS. EKL: Objection, assumes facts not in

9 evidence.

10 A I stand on my Fifth Amendment rights.

11 BY MR. AINSWORTH:

12 Q Isn't it true that you then left the room and

13 you talked to other Area 2 detectives about using

14 force against Aaron Patterson to get him to give a

15 confession?

16 MS. EKL: Objection, foundation, assumes

17 facts not in evidence.

18 A I stand on my Fifth Amendment rights.

19 BY MR. AINSWORTH:

20 Q Isn't it true that you returned with four

21 other officers to the interrogation room?

22 MS. EKL: Objection, assumes facts not in

23 evidence, foundation.

24 A I stand on my Fifth Amendment right.

1 BY MR. AINSWORTH:

2 Q Isn't it true that one of those detectives

3 that you returned with was Detective Madigan?

4 MS. EKL: Objection, assumes facts not in

5 evidence.

6 A I stand on my Fifth Amendment right.

7 BY MR. AINSWORTH:

8 Q Isn't it true that you brought a gray plastic

9 typewriter cover with you when you returned to the

10 interrogation room where Aaron Patterson was?

11 MS. EKL: Objection, assumes facts not in

12 evidence.

13 A I stand on my Fifth Amendment right.

14 BY MR. AINSWORTH:

15 Q Isn't it true that you talked to Detective

16 Madigan about placing the typewriter cover over Aaron

17 Patterson's head so as to coerce him to give a false

18 confession prior to the time that you returned to the

19 room with the typewriter cover?

20 MS. EKL: Objection, assumes facts not in

21 evidence.

22 A I stand on my Fifth Amendment rights.

23 BY MR. AINSWORTH:

24 Q Isn't it true that you then, when you

1 returned to the room with the typewriter cover,

2 handcuffed Aaron Patterson's hands behind his back?

3 MS. EKL: Objection, assumes facts not in

4 evidence.

5 A I stand on my Fifth Amendment rights.

6 BY MR. AINSWORTH:

7 Q Isn't it true that another officer then

8 turned out the lights to the interrogation room?

9 MS. EKL: Objection, assumes facts not in

10 evidence.

11 A I stand on my Fifth Amendment right.

12 BY MR. AINSWORTH:

13 Q Isn't it true that you then struck Aaron

14 Patterson in the chest?

15 MS. EKL: Objection, assumes facts not in

16 evidence.

17 A I stand on my Fifth Amendment right.

18 BY MR. AINSWORTH:

19 Q Isn't it true that you then placed your hands

20 around Aaron Patterson's neck?

21 MS. EKL: Objection, assumes facts not in

22 evidence.

23 A I stand on my Fifth Amendment right.

24

1 BY MR. AINSWORTH:

2 Q Isn't it true that you held Aaron Patterson

3 by his neck while Detective Pederson took the

4 typewriter cover and placed it over Aaron Patterson's

5 face?

6 MS. EKL: Objection, assumes facts not in

7 evidence.

8 A I stand on my Fifth Amendment right.

9 BY MR. AINSWORTH:

10 Q Isn't it true that Detective Pederson then

11 held the typewriter cover over Aaron Patterson's head

12 so that Aaron Patterson couldn't breathe?

13 MS. EKL: Objection, assumes facts not in

14 evidence.

15 A I stand on my Fifth Amendment rights.

16 BY MR. AINSWORTH:

17 Q Isn't it true that while the typewriter cover

18 was held over Aaron Patterson's face, preventing him

19 from breathing, you struck Aaron Patterson in the

20 chest?

21 MS. EKL: Objection, assumes facts not in

22 evidence.

23 A I stand on my Fifth Amendment rights.

24

1 BY MR. AINSWORTH:

2 Q Isn't it true that while you observed Officer

3 Pederson holding the typewriter cover over Aaron

4 Patterson's face so that Aaron Patterson couldn't

5 breathe, you observed Detective Madigan strike Aaron

6 Patterson in the chest?

7 MS. EKL: Objection, assumes facts not in

8 evidence.

9 A I stand on my Fifth Amendment right.

10 BY MR. AINSWORTH:

11 Q Isn't it true that when you observed

12 Detective Pederson holding the typewriter cover over

13 Aaron Patterson's face, you observed other detectives

14 strike Aaron Patterson in the chest?

15 MS. EKL: Objection, assumes facts not in

16 evidence.

17 A I stand on my Fifth Amendment right.

18 BY MR. AINSWORTH:

19 Q Isn't it true that the typewriter cover was

20 held over Aaron Patterson's face for approximately

21 one minute?

22 MS. EKL: Objection, assumes facts not in

23 evidence, foundation.

24 A I stand on my Fifth Amendment rights.

1 BY MR. AINSWORTH:

2 Q Isn't it true that after a detective removed

3 the typewriter cover from Aaron Patterson's face,

4 another detective turned on the lights?

5 MS. EKL: Objection, foundation, assumes

6 facts not in evidence.

7 A I stand on my Fifth Amendment right.

8 BY MR. AINSWORTH:

9 Q Isn't it true that Aaron Patterson then

10 requested to speak to a lawyer?

11 MS. EKL: Objection, assumes facts not in

12 evidence, foundation.

13 A I stand on my Fifth Amendment rights.

14 BY MR. AINSWORTH:

15 Q Isn't it true that you then told Aaron

16 Patterson no, you're not getting a mother fucking

17 attorney?

18 MS. EKL: Objection, assumes facts not in

19 evidence.

20 A I stand on my Fifth Amendment rights.

21 BY MR. AINSWORTH:

22 Q Isn't it true that you then asked Aaron

23 Patterson if he was ready to cooperate?

24 MS. EKL: Objection, assumes facts not in

1 evidence.

2 A I stand on my Fifth Amendment right.

3 BY MR. AINSWORTH:

4 Q Isn't it true that you then heard another

5 detective ask Aaron Patterson if he was ready to

6 cooperate?

7 MS. EKL: Objection, assumes facts not in

8 evidence.

9 A I stand on my Fifth Amendment right.

10 BY MR. AINSWORTH:

11 Q Isn't it true that Aaron Patterson then told

12 you and the detectives in that room that he had said

13 all he was going to say?

14 MS. EKL: Objection, assumes facts not in

15 evidence.

16 A I stand on my Fifth Amendment rights.

17 BY MR. AINSWORTH:

18 Q Isn't it true then that an officer, that a

19 detective then turned the lights off?

20 MS. EKL: Objection, assumes facts not in

21 evidence.

22 A I stand on my Fifth Amendment rights.

23 BY MR. AINSWORTH:

24 Q Isn't it true that when the lights went off

1 the second time, you then placed the typewriter cover

2 over Aaron Patterson's face?

3 MS. EKL: Objection, assumes facts not in

4 evidence.

5 A I stand on my Fifth Amendment rights.

6 BY MR. AINSWORTH:

7 Q Isn't it true that you then observed

8 Detective Madigan place the typewriter cover over

9 Aaron Patterson's face after the second time the

10 lights went off?

11 MS. EKL: Objection, assumes facts not in

12 evidence.

13 A I stand on my Fifth Amendment right.

14 BY MR. AINSWORTH:

15 Q Isn't it true you observed another detective

16 place a typewriter cover over Aaron Patterson's face

17 after the lights went off for a second time?

18 MS. EKL: Objection, assumes facts not in

19 evidence.

20 A I stand on my Fifth Amendment right.

21 BY MR. AINSWORTH:

22 Q Isn't it true that you placed the typewriter

23 cover over Aaron Patterson's face the second time in

24 a manner that would prevent him from breathing?

1 MS. EKL: Objection, foundation, assumes
 2 facts not in evidence.
 3 A I stand on my Fifth Amendment rights.
 4 BY MR. AINSWORTH:
 5 Q Isn't it true that you held the typewriter
 6 cover over Aaron Patterson's face for approximately
 7 one to two minutes?
 8 MS. EKL: Objection, assumes facts not in
 9 evidence.
 10 A I stand on my Fifth Amendment rights.
 11 BY MR. AINSWORTH:
 12 Q Isn't it true that you observed another
 13 detective hold the typewriter cover over Aaron
 14 Patterson's face for approximately one to two
 15 minutes, preventing Aaron Patterson from breathing
 16 during that time?
 17 MS. EKL: Objection, foundation, assumes
 18 facts not in evidence.
 19 A I stand on my Fifth Amendment rights.
 20 BY MR. AINSWORTH:
 21 Q Isn't it true that you saw Detective Madigan
 22 hold the typewriter cover over Aaron Patterson's face
 23 for approximately one to two minutes in a manner that
 24 would prevent Aaron Patterson from breathing?

1 MS. EKL: Objection, foundation, assumes
 2 facts not in evidence.
 3 A I stand on my Fifth Amendment rights.
 4 BY MR. AINSWORTH:
 5 Q Isn't it true that you then provided Aaron
 6 Patterson with a cup containing bourbon?
 7 MS. EKL: Objection, foundation.
 8 A I stand on my Fifth Amendment right.
 9 BY MR. AINSWORTH:
 10 Q Isn't it true that you then told Aaron
 11 Patterson that he was to tell an assistant state's
 12 attorney that he had killed the Sanchezes?
 13 MS. EKL: Objection, foundation, assumes
 14 facts not in evidence.
 15 A I stand on my Fifth Amendment rights.
 16 BY MR. AINSWORTH:
 17 Q Isn't it true that you heard another
 18 detective tell Aaron Patterson that he was to tell an
 19 assistant state's attorney that he killed the
 20 Sanchezes?
 21 MS. EKL: Objection, foundation.
 22 A I stand on my Fifth Amendment rights.
 23 BY MR. AINSWORTH:
 24 Q Isn't it true that you then left Aaron

1 Patterson alone for a period of approximately one
 2 hour after he was told that he was to confess to an
 3 assistant state's attorney?
 4 MS. EKL: Objection, assumes facts not in
 5 evidence.
 6 A I stand on my Fifth Amendment right.
 7 BY MR. AINSWORTH:
 8 Q Isn't it true that you consulted with Jon
 9 Burge during the course of your interrogation of
 10 Aaron Patterson?
 11 MS. EKL: Objection, form, foundation.
 12 A I stand on --
 13 MS. EKL: I'm sorry, assumes facts not in
 14 evidence.
 15 A I stand on my Fifth Amendment rights.
 16 BY MR. AINSWORTH:
 17 Q Isn't it true that you, Jon Burge and
 18 Detective Madigan agreed to use a typewriter cover
 19 over Aaron Patterson's face in an effort to get Aaron
 20 Patterson to give a false confession?
 21 A I stand on my Fifth Amendment rights.
 22 Q Isn't it true that Jon Burge told you he was
 23 going to talk to Aaron Patterson and show him a gun
 24 to get -- in an effort to get him to confess?

1 MS. EKL: Objection, form, foundation.
 2 A I stand on my Fifth Amendment right.
 3 BY MR. AINSWORTH:
 4 Q Isn't it true that you used physical force
 5 against Aaron Patterson in an effort to get him to
 6 give a false confession?
 7 A I stand on my Fifth Amendment rights.
 8 Q Isn't it true that your intent on April 30th
 9 and May 1st of 1986 was to get Aaron Patterson to
 10 give a false confession?
 11 A I stand on my Fifth Amendment rights.
 12 Q Isn't it true that you also interrogated Eric
 13 Caine on April 30, 1986?
 14 MS. EKL: Objection, assumes facts not in
 15 evidence.
 16 A I stand on my Fifth Amendment rights.
 17 BY MR. AINSWORTH:
 18 Q Isn't it true that you brought Eric Caine to
 19 the room where Aaron Patterson was being held on
 20 April 30, 1986?
 21 A I stand on my Fifth Amendment rights.
 22 Q Isn't it true that sometime during the night
 23 of April 30th to the morning of May 1, 1986, you
 24 brought Eric Caine into Aaron Patterson's

1 interrogation room?

2 A I stand on my Fifth Amendment rights.

3 Q Isn't it true that you brought Eric Caine

4 into Aaron Patterson's room in an effort to

5 intimidate Eric Caine?

6 A I stand on my Fifth Amendment rights.

7 Q Isn't it true that at the time that Eric

8 Caine viewed Aaron Patterson, Aaron Patterson

9 appeared to be disheveled?

10 A I stand on my Fifth Amendment rights.

11 Q Isn't it true that you did not allow Eric

12 Caine to speak with Aaron Patterson?

13 MS. EKL: Objection, foundation.

14 A I stand on my Fifth Amendment rights.

15 BY MR. AINSWORTH:

16 Q Isn't it true that when you brought Eric

17 Caine in to view Aaron Patterson, you did not allow

18 Eric Caine to speak with Aaron Patterson?

19 MS. EKL: Objection, form.

20 A I stand on my Fifth Amendment rights.

21 BY MR. AINSWORTH:

22 Q Isn't it true that you then returned Eric

23 Caine to his interrogation room and then struck Eric

24 Caine in the chest?

1 MS. EKL: Objection, form, assumes facts not

2 in evidence.

3 A I stand on my Fifth Amendment rights.

4 BY MR. AINSWORTH:

5 Q Isn't it true that you struck Eric Caine in

6 the chest and told him that he would get the same

7 treatment as Aaron Patterson unless he was cool?

8 A I stand on my Fifth Amendment rights.

9 Q Isn't it true that the reason that you told

10 Eric Caine -- strike that. Isn't it true that the

11 reason that you struck Eric Caine in the chest and

12 told him that he would get the same treatment as

13 Aaron Patterson unless he was cool was to coerce him

14 to give a false confession?

15 MS. EKL: Objection, assumes facts not in

16 evidence.

17 A I stand on my Fifth Amendment rights.

18 BY MR. AINSWORTH:

19 Q Isn't it true that you talked with Detective

20 Madigan about what Eric Caine's confession should

21 look like before Eric Caine provided a confession?

22 MS. EKL: Objection, form, foundation,

23 assumes facts not in evidence.

24 A I stand on my Fifth Amendment rights.

1 BY MR. AINSWORTH:

2 Q Isn't it true that you talked with Detective

3 Madigan about making sure that Eric Caine and Aaron

4 Patterson's confession did not match up identically

5 so as to defeat a claim that their confessions had

6 been coerced prior to the time that Eric Caine

7 provided any confession?

8 MS. EKL: Objection, form, foundation,

9 assumes facts not in evidence.

10 A I stand on my Fifth Amendment rights.

11 BY MR. AINSWORTH:

12 Q Isn't it true that Aaron Patterson never

13 confessed in your presence?

14 A I stand on my Fifth Amendment rights.

15 Q Isn't it true that you provided details of

16 the Sanchez murders to Aaron Patterson?

17 A I stand on my Fifth Amendment rights.

18 Q Isn't it true that when you went to go get

19 the typewriter cover, you also brought back a manila

20 envelope that provided details of the crime?

21 MS. EKL: Objection, assumes facts not in

22 evidence.

23 A I stand on my Fifth Amendment rights.

24

1 BY MR. AINSWORTH:

2 Q Isn't it true that you provided details to

3 Aaron Patterson about the murders such as the fact

4 that the victims had been stabbed to death before

5 Aaron Patterson volunteered any of those details to

6 you?

7 MS. EKL: Objection, assumes facts not in

8 evidence.

9 A I stand on my Fifth Amendment right.

10 BY MR. AINSWORTH:

11 Q Isn't it true that you provided details of

12 the Sanchez murders to Eric Caine such as the fact

13 that the victims had been stabbed to death before

14 Eric Caine volunteered any of those details to you?

15 MS. EKL: Objection, assumes facts not in

16 evidence.

17 A I stand on my Fifth Amendment right.

18 BY MR. AINSWORTH:

19 Q Isn't it true that Detective Madigan told you

20 that he had struck Eric Caine in the side of the head

21 when Eric Caine refused to sign his notes?

22 MS. EKL: Objection, form, foundation,

23 assumes facts not in evidence.

24 A I stand on my Fifth Amendment rights.

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1 BY MR. AINSWORTH:

2 Q Isn't it true that on May 1, 1986, Detective

3 Madigan told you that Eric -- that he struck Eric

4 Caine in the side of the head when Eric Caine refused

5 to sign his notes?

6 MS. EKL: Objection, assumes facts not in

7 evidence.

8 A I stand on my Fifth Amendment rights.

9 BY MR. AINSWORTH:

10 Q In 1986, how long had you known Detective

11 Madigan?

12 A I stand on my Fifth Amendment rights.

13 Q Do you currently socialize with Detective

14 Madigan?

15 A I stand on my Fifth Amendment rights.

16 Q When was the last time you spoke with

17 Detective Madigan?

18 A I stand on my Fifth Amendment right.

19 Q In 1986 did you socialize with Jon Burge?

20 A I stand on my Fifth Amendment right.

21 Q When was the last time you saw Jon Burge?

22 A I stand on my Fifth Amendment right.

23 Q When was the last time you had a drink with

24 Jon Burge?

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1 MS. EKL: Objection, assumes facts not in

2 evidence.

3 A I stand on my Fifth Amendment rights.

4 BY MR. AINSWORTH:

5 Q Have you visited Jon Burge in Florida?

6 A I stand on my Fifth Amendment rights.

7 Q Has Jon Burge visited you in Illinois since

8 the time that Jon Burge moved to Florida?

9 A I stand on my Fifth Amendment right.

10 Q Have you ever stayed at Jon Burge's house?

11 A I stand on my Fifth Amendment rights.

12 Q Has Jon Burge ever stayed at your house?

13 A I stand on my Fifth Amendment right.

14 Q Did you ever speak to a man named Mack Ray?

15 A I stand on my Fifth Amendment right.

16 Q Isn't it true that Mack Ray told you that

17 Wayne Washington had told him that Willie Washington

18 was the actual perpetrator of the Sanchez murders and

19 that Wayne Washington had acted as a lookout for

20 Willie?

21 MS. EKL: Objection, foundation.

22 A I stand on my Fifth Amendment rights.

23 BY MR. AINSWORTH:

24 Q When did Mack Ray tell you that Willie

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1 Washington was the true perpetrator and that Wayne

2 Washington had acted as a lookout for Willie

3 Washington?

4 MS. EKL: Objection, assumes facts not in

5 evidence.

6 A I stand on my Fifth Amendment right.

7 BY MR. AINSWORTH:

8 Q Isn't it true that you documented the fact

9 that Mack Ray told you that Wayne Washington had told

10 him that Willie Washington committed the Sanchez

11 murders while Wayne acted as a lookout?

12 MS. EKL: Objection, assumes facts not in

13 evidence.

14 A I stand on my Fifth Amendment rights.

15 BY MR. AINSWORTH:

16 Q Isn't it true that you withheld the

17 documentation from -- strike that. Isn't it true

18 that you withheld the documentation of Mack Ray's

19 statements to you from the prosecution as well as the

20 defense team for Eric Caine?

21 MS. EKL: Objection, assumes facts not in

22 evidence.

23 A I stand on my Fifth Amendment rights.

24

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1 BY MR. AINSWORTH:

2 Q At the time that Mack Ray told you about

3 Willie Washington's involvement in the Sanchez

4 murders, did you know that Willie Washington had been

5 convicted of other burglaries?

6 MS. EKL: Objection, assumes facts not in

7 evidence.

8 A I stand on my Fifth Amendment.

9 MS. EKL: Foundation.

10 BY MR. AINSWORTH:

11 Q Can you tell us the good faith basis that you

12 have for asserting your Fifth Amendment rights here

13 today?

14 A I stand on my Fifth Amendment.

15 Q Have you consulted with attorneys in deciding

16 whether to assert your Fifth Amendment rights?

17 MS. EKL: I object to that on the basis of

18 attorney-client privilege.

19 MR. AINSWORTH: Are you going to instruct the

20 client not to answer that question based on that

21 objection?

22 MS. EKL: Yes.

23 BY MR. AINSWORTH:

24 Q Are you going to take your attorney's advice

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1 and not answer that question?

2 A Yes, I am.

3 Q Are you relying on any attorney's advice as

4 the basis for asserting your Fifth Amendment rights

5 here today?

6 MS. EKL: Objection, form and same objection

7 as to attorney-client privilege. I'm instructing

8 the client not to answer.

9 BY MR. AINSWORTH:

10 Q Are you going to follow your attorney's

11 advice and not answer?

12 A Yes, I am.

13 Q What are the names of the attorneys whose

14 advice you relied upon in deciding to assert your

15 Fifth Amendment rights here today?

16 MS. EKL: Objection, assumes facts not in

17 evidence and again I'm going to instruct my

18 client not to answer on the basis of

19 attorney-client privilege.

20 BY MR. AINSWORTH:

21 Q Are you going to follow your attorney's

22 advice and not answer that question?

23 A Yes, I am.

24 Q And what advice did those attorneys provide

1 you with respect to whether to assert your Fifth

2 Amendment rights?

3 MS. EKL: Again I'm going to object on the

4 basis of attorney-client privilege and instruct

5 my client not to answer that question.

6 BY MR. AINSWORTH:

7 Q Are you going to take your attorney's advice

8 and not answer that question?

9 A Yes, I am.

10 Q And just to be clear, my question to you,

11 sir, is would you please tell me what each attorney

12 told you about whether or not to take your

13 attorney's -- whether or not to assert your Fifth

14 Amendment rights.

15 MS. EKL: Objection, form, assumes facts not

16 in evidence and also I object on the basis of

17 attorney-client privilege and instruct my client

18 not to answer.

19 BY MR. AINSWORTH:

20 Q Are you going to take your attorney's advice

21 and not answer that question?

22 A Yes, I am.

23 Q Isn't it true that you arrested a man named

24 Michael Arbuckle on April 22, 1986?

1 A I stand on my Fifth Amendment rights.

2 Q Isn't it true that you were present for the

3 interrogation of Michael Arbuckle the night of April

4 22nd?

5 A I stand on my Fifth Amendment rights.

6 Q Isn't it true that you were present for

7 Michael Arbuckle's interrogation at Area 2 the night

8 of April 22, 1986?

9 A I stand on my Fifth Amendment rights.

10 Q Isn't it true that you told Michael Arbuckle

11 that you and the other detectives really wanted to

12 get Aaron Patterson?

13 MS. EKL: Objection, foundation, assumes

14 facts not in evidence.

15 A I stand on my Fifth Amendment rights.

16 BY MR. AINSWORTH:

17 Q Isn't it true that you tried to get Michael

18 Arbuckle to say that Aaron Patterson was involved in

19 the Sanchez murders?

20 MS. EKL: Objection, form, foundation,

21 assumes facts not in evidence.

22 A I stand on my Fifth Amendment rights.

23 BY MR. AINSWORTH:

24 Q Isn't it true that Michael Arbuckle told you

1 that he had no knowledge of the Sanchez murders?

2 MS. EKL: Objection, foundation, assumes

3 facts not in evidence.

4 A I stand on my Fifth Amendment rights.

5 BY MR. AINSWORTH:

6 Q Isn't it true that you observed or you heard

7 another detective tell Aaron -- tell Michael Arbuckle

8 that they really wanted to get Aaron Patterson?

9 MS. EKL: Objection, foundation.

10 A I stand on my Fifth Amendment rights.

11 BY MR. AINSWORTH:

12 Q Isn't it true that you heard other detectives

13 present in the interrogation room tell Michael

14 Arbuckle, or try to get Michael Arbuckle to implicate

15 Aaron Patterson in the Sanchez murders?

16 MS. EKL: Objection, form, foundation.

17 A I stand on my Fifth Amendment rights.

18 BY MR. AINSWORTH:

19 Q Isn't it true that Michael Arbuckle asked for

20 a lawyer during that interrogation on the night of

21 April 22nd at Area 2?

22 MS. EKL: Objection, form, foundation,

23 assumes facts not in evidence.

24 A I stand on my Fifth Amendment right.

1 BY MR. AINSWORTH:

2 Q Isn't it true that when Michael Arbuckle

3 asked for a lawyer, Lieutenant Jon Burge then

4 threatened Michael Arbuckle that he would get the

5 electric chair or lethal injection?

6 MS. EKL: Objection, form, foundation,

7 assumes facts not in evidence.

8 A I stand on my Fifth Amendment right.

9 BY MR. AINSWORTH:

10 Q Isn't it true that you heard Jon Burge tell

11 Michael Arbuckle that this wasn't some TV show and

12 that he would cooperate one way or another?

13 MS. EKL: Objection, foundation.

14 A I stand on my Fifth Amendment rights.

15 BY MR. AINSWORTH:

16 Q Isn't it true that you heard Jon Burge tell

17 Michael Arbuckle that if he didn't cooperate and give

18 them information about the Sanchez murders, he would

19 beat Michael Arbuckle?

20 MS. EKL: Objection, foundation.

21 A I stand on my Fifth Amendment rights.

22 BY MR. AINSWORTH:

23 Q Isn't it true that Jon Burge, you heard Jon

24 Burge tell Michael Arbuckle that if he didn't

1 cooperate and implicate Aaron Patterson, he meaning

2 Jon Burge would get some drug dealers to testify

3 against him on the Sanchez murders?

4 MS. EKL: Objection, foundation.

5 A I stand on my Fifth Amendment right.

6 BY MR. AINSWORTH:

7 Q Isn't it true that you knew that Eric Caine's

8 supposed confession was false?

9 MS. EKL: Objection, form, foundation,

10 assumes facts not in evidence.

11 A I stand on my Fifth Amendment rights.

12 BY MR. AINSWORTH:

13 Q Isn't it true that you told Illya Rowland

14 that Eric Caine had made up a story?

15 MS. EKL: Objection, foundation.

16 A I stand on my Fifth Amendment rights.

17 BY MR. AINSWORTH:

18 Q Isn't it true that you talked to Detective

19 Madigan about beating Aaron Patterson after --

20 MS. EKL: I'm sorry, I missed it.

21 MR. AINSWORTH: I'll restart the question.

22 Q Isn't it true that you talked to Detective

23 Madigan about using physical force against Aaron

24 Patterson after Aaron Patterson had refused to give a

1 confession to the state's attorney?

2 MS. EKL: Objection, form, foundation,

3 assumes facts not in evidence.

4 A I stand on my Fifth Amendment rights.

5 BY MR. AINSWORTH:

6 Q Isn't it true that you talked to Detective

7 McWeeny about being a good cop or playing the role of

8 a good cop in getting, trying to get Aaron Patterson

9 to give a false confession?

10 MS. EKL: Objection, form, foundation,

11 assumes facts not in evidence.

12 A I stand on my Fifth Amendment rights.

13 BY MR. AINSWORTH:

14 Q Isn't it true that you knew that Aaron

15 Patterson's oral statement implicating himself in the

16 Sanchez murders was false?

17 MS. EKL: Objection, form, assumes facts not

18 in evidence.

19 A I stand on my Fifth Amendment rights.

20 BY MR. AINSWORTH:

21 Q Isn't it true that on May 1, 1986 you knew

22 that Aaron Patterson's oral statement implicating

23 Eric Caine in the Sanchez murders was false?

24 MS. EKL: Objection, form, assumes facts not

1 in evidence.

2 A I stand on my Fifth Amendment rights.

3 BY MR. AINSWORTH:

4 Q Isn't it true that on February 24, 1980, you

5 interrogated a man named Michael Coleman?

6 A I stand on my Fifth Amendment rights.

7 Q Isn't it true that you interrogated Michael

8 Coleman at a police station on Cottage Grove?

9 MS. EKL: Objection, assumes facts not in

10 evidence.

11 A I stand on my Fifth Amendment rights.

12 BY MR. AINSWORTH:

13 Q Isn't it true that during the course of

14 Michael Coleman's interrogation, you observed

15 Detective Dwyer kick Michael Coleman in the groin?

16 MS. EKL: Objection, assumes facts not in

17 evidence.

18 A I stand on my Fifth Amendment rights.

19 BY MR. AINSWORTH:

20 Q Isn't it true that you observed Detective

21 Dwyer punch Michael Coleman during the course of his

22 interrogation on or about February 24, 1980?

23 MS. EKL: Objection, assumes facts not in

24 evidence.

1 A I stand on my Fifth Amendment rights.

2 BY MR. AINSWORTH:

3 Q Isn't it true that when he, when Michael

4 Coleman tried to ball up and get away from Detective

5 Dwyer, Detective Dwyer kept hitting and kicking

6 Michael Coleman?

7 MS. EKL: Objection, form, assumes facts not

8 in evidence.

9 A I stand on my Fifth Amendment rights.

10 BY MR. AINSWORTH:

11 Q Isn't it true that during Michael Coleman's

12 interrogation you withheld water, food and access to

13 the bathroom from him?

14 MS. EKL: Objection, form, assumes facts not

15 in evidence.

16 A I stand on my Fifth Amendment rights.

17 BY MR. AINSWORTH:

18 Q Isn't it true that you observed another

19 detective deprive Michael Coleman of water, food and

20 access to a bathroom during his interrogation?

21 MS. EKL: Objection, form, assumes facts not

22 in evidence.

23 MR. MICHALIK: And vague.

24 A I stand on my Fifth Amendment rights.

1 BY MR. AINSWORTH:

2 Q Isn't it true that you grabbed Michael

3 Coleman by the neck during his interrogation on or

4 about February 24, 1980?

5 MS. EKL: Objection, assumes facts not in

6 evidence.

7 A I stand on my Fifth Amendment right.

8 BY MR. AINSWORTH:

9 Q Isn't it true that you told Mr. Coleman,

10 while grabbing him by the neck, that you wanted him

11 to say more of what you wanted him to say?

12 MS. EKL: Objection, assumes facts not in

13 evidence.

14 A I stand on my Fifth Amendment rights.

15 BY MR. AINSWORTH:

16 Q Isn't it true that while you held Mr. Coleman

17 in a choke hold, Detective Dwyer then pulled out some

18 stitches that were in Michael Coleman's face with a

19 pair of tweezers?

20 MS. EKL: Objection, assumes facts not in

21 evidence.

22 A I stand on my Fifth Amendment rights.

23 BY MR. AINSWORTH:

24 Q Isn't it true that you struck Michael Coleman

1 with your feet and with your hands during his

2 interrogation on or about February 24, 1980?

3 MS. EKL: Objection, assumes facts not in

4 evidence.

5 A I stand on my Fifth Amendment rights.

6 BY MR. AINSWORTH:

7 Q Isn't it true that you used force against

8 Michael Coleman in an effort to get him to provide a

9 false confession?

10 MS. EKL: Objection, assumes facts not in

11 evidence.

12 A I stand on my Fifth Amendment rights.

13 BY MR. AINSWORTH:

14 Q Isn't it true that on February 23, 1980, you

15 interrogated a man named Derrick King?

16 MS. EKL: Objection, assumes facts not in

17 evidence.

18 A I stand on my Fifth Amendment rights.

19 BY MR. AINSWORTH:

20 Q Isn't it true that during your interrogation

21 of Mr. King at a police station, you struck him with

22 a baseball bat?

23 MS. EKL: Objection, assumes facts not in

24 evidence.

1 A I stand on my Fifth Amendment right.

2 BY MR. AINSWORTH:

3 Q Isn't it true that you struck Mr. King in the

4 chest with a baseball bat?

5 A I stand on my Fifth Amendment rights.

6 Q Isn't it true that you struck Mr. King on his

7 kneecaps with a baseball bat?

8 A I stand on my Fifth Amendment rights.

9 Q Isn't it true that you also struck Mr. King

10 with a police book while he was being interrogated?

11 MS. EKL: Objection, assumes facts not in

12 evidence.

13 A I stand on my Fifth Amendment rights.

14 BY MR. AINSWORTH:

15 Q Isn't it true that Derrick King was seated

16 handcuffed to the wall while he was being struck with

17 objects?

18 MS. EKL: Objection, assumes facts not in

19 evidence, form, vague.

20 A I stand on my Fifth Amendment rights.

21 BY MR. AINSWORTH:

22 Q Isn't it true that you observed another

23 Area 2 detective strike Mr. King in the chest with a

24 baseball bat?

1 MS. EKL: Objection, foundation, assumes
 2 facts not in evidence.
 3 MR. MICHALIK: And vague.
 4 A I stand on my Fifth Amendment rights.
 5 BY MR. AINSWORTH:
 6 Q Isn't it true that you observed another
 7 Area 2 detective strike Mr. King in the kneecaps with
 8 a baseball bat?
 9 MS. EKL: Objection, foundation, assumes
 10 facts not in evidence.
 11 MR. MICHALIK: And vague.
 12 A I stand on my Fifth Amendment rights.
 13 BY MR. AINSWORTH:
 14 Q Isn't it true that you observed Mr. King to
 15 be struck 30 to 40 times -- well, strike that. Isn't
 16 it true that you observed Mr. King to be struck 20 to
 17 40 times during the course of his interrogation on or
 18 about February 23, 1980?
 19 MS. EKL: Objection, foundation, assumes
 20 facts not in evidence.
 21 A I stand on my Fifth Amendment rights.
 22 BY MR. AINSWORTH:
 23 Q Isn't it true that you interrogated a man by
 24 the name of Maron Diggins on or about October 10,

1 1985?
 2 A I stand on my Fifth Amendment rights.
 3 Q Isn't it true that you interrogated Maron
 4 Diggins at Area 2 on or about October 10, 1985?
 5 MS. EKL: Objection, asked and answered.
 6 MR. AINSWORTH: I'll withdraw it. I thought
 7 I did arrest first.
 8 MS. EKL: Maybe I missed it. If you did, go
 9 ahead and ask it again. I thought you asked the
 10 same exact question.
 11 BY MR. AINSWORTH:
 12 Q Just to be clear, is it true you interrogated
 13 Maron Diggins at Area 2 at 111th and Cottage Grove on
 14 October 10, 1985?
 15 A I stand on my Fifth Amendment rights.
 16 Q Isn't it true that during the interrogation
 17 of Maron Diggins, you observed Detective Paladino
 18 strike Maron Diggins in the back with a flashlight?
 19 MS. EKL: Objection, assumes facts not in
 20 evidence.
 21 A I stand on my Fifth Amendment right.
 22 BY MR. AINSWORTH:
 23 Q Isn't it true that you observed Detective
 24 Paladino strike Mr. Diggins on his legs and thighs

1 with the flashlight?
 2 MS. EKL: Objection, form, foundation,
 3 assumes facts not in evidence.
 4 A I stand on my Fifth Amendment right.
 5 BY MR. AINSWORTH:
 6 Q Isn't it true that you observed Mr. Diggins
 7 trying to block some of the blows with his arm while
 8 he was handcuffed to a ring on the wall?
 9 MS. EKL: Objection, form, foundation,
 10 assumes facts not in evidence.
 11 A I stand on my Fifth Amendment rights.
 12 BY MR. AINSWORTH:
 13 Q Isn't it true that you heard Mr. Diggins
 14 yelling while he was being struck?
 15 MS. EKL: Objection, assumes facts not in
 16 evidence.
 17 A I stand on my Fifth Amendment right.
 18 BY MR. AINSWORTH:
 19 Q Isn't it true that you withheld food, water
 20 and access to a bathroom from Mr. Diggins?
 21 MS. EKL: Objection, form, foundation,
 22 assumes facts not in evidence.
 23 A I stand on my Fifth Amendment right.
 24

1 BY MR. AINSWORTH:
 2 Q Isn't it true that you observed Detective
 3 Burge also striking Mr. Diggins during his
 4 interrogation?
 5 MS. EKL: Objection, foundation, assumes
 6 facts not in evidence.
 7 A I stand on my Fifth Amendment rights.
 8 BY MR. AINSWORTH:
 9 Q Isn't it true that you also observed
 10 Detective Burge or Lieutenant Burge striking
 11 Mr. Diggins on or about October 10, 1985?
 12 MS. EKL: Objection, assumes facts not in
 13 evidence.
 14 A I stand on my Fifth Amendment rights.
 15 BY MR. AINSWORTH:
 16 Q Isn't it true that you interrogated a man by
 17 the name of Anthony Holmes on or about May 29, 1973?
 18 A I stand on my Fifth Amendment right.
 19 Q Do you have an alibi for May 29, 1973 that
 20 would place you somewhere other than Area 2?
 21 MS. EKL: Objection, form, foundation,
 22 assumes facts not in evidence.
 23 A I stand on my Fifth Amendment right.
 24

1 BY MR. AINSWORTH:
 2 Q Isn't it true that -- where was Area 2 back
 3 in 1973?
 4 A I stand on my Fifth Amendment right.
 5 Q Isn't it true that you observed Detective
 6 Burge slap Anthony Holmes out of his chair?
 7 MS. EKL: Objection, foundation, form,
 8 assumes facts not in evidence.
 9 A I stand on my Fifth Amendment rights.
 10 BY MR. AINSWORTH:
 11 Q Isn't it true that you observed Jon Burge
 12 slap Anthony Holmes while Mr. Homes was handcuffed
 13 with enough force to move Anthony Holmes out of his
 14 chair?
 15 MS. EKL: Objection, form, foundation,
 16 assumes facts not in evidence.
 17 A I stand on my Fifth Amendment rights.
 18 BY MR. AINSWORTH:
 19 Q Isn't it true that you observed Jon Burge
 20 enter the interrogation room with a brown paper bag?
 21 MS. EKL: Objection, form, foundation,
 22 assumes facts not in evidence.
 23 A I stand on my Fifth Amendment rights.
 24

1 BY MR. AINSWORTH:
 2 Q Isn't it true that you observed Jon Burge
 3 pull a flat box with a motor and a wire, and wires
 4 coming out of it from that paper bag?
 5 MS. EKL: Objection, form, foundation,
 6 assumes facts not in evidence.
 7 A I stand on my Fifth Amendment right.
 8 BY MR. AINSWORTH:
 9 Q Isn't it true that you observed a plastic bag
 10 placed over Anthony Holmes' head during that
 11 interrogation?
 12 MS. EKL: Objection, form, foundation,
 13 assumes facts not in evidence.
 14 MR. MICHALIK: And vague.
 15 A I stand on my Fifth Amendment right.
 16 BY MR. AINSWORTH:
 17 Q Isn't it true you placed a typewriter cover
 18 over Anthony Holmes' head during his interrogation on
 19 or about May 29, 1973?
 20 MS. EKL: Objection, foundation, assumes
 21 facts not in evidence.
 22 A I stand on my Fifth Amendment rights.
 23 BY MR. AINSWORTH:
 24 Q Isn't it true that you held the plastic bag

1 over Anthony Holmes' head in an effort to prevent him
 2 from breathing?
 3 MS. EKL: Objection, foundation, assumes
 4 facts not in evidence.
 5 A I stand on my Fifth Amendment rights.
 6 BY MR. AINSWORTH:
 7 Q Isn't it true that you turned the crank on
 8 the little metal box that would send electricity from
 9 the wires into Anthony Holmes' body?
 10 MS. EKL: Objection, form, foundation,
 11 assumes facts not in evidence.
 12 A I stand on my Fifth Amendment right.
 13 BY MR. AINSWORTH:
 14 Q Isn't it true that after Anthony -- after
 15 electricity was run through Anthony Holmes' body, he
 16 started crying and hollering?
 17 MS. EKL: Objection, foundation, form,
 18 assumes facts not in evidence.
 19 BY MR. AINSWORTH:
 20 Q Isn't it true that Anthony Holmes then passed
 21 out during his interrogation?
 22 MS. EKL: Objection, assumes facts not in
 23 evidence.
 24 A I stand on my Fifth Amendment right.

1 BY MR. AINSWORTH:
 2 Q Isn't it true that you observed Jon Burge
 3 also taking a typewriter cover and placing it over
 4 Anthony Holmes' head so as to prevent him from
 5 breathing?
 6 MS. EKL: Objection, form, foundation,
 7 assumes facts not in evidence.
 8 A I stand on my Fifth Amendment rights.
 9 BY MR. AINSWORTH:
 10 Q How many times did you and Jon Burge repeat
 11 the cycle of placing a typewriter cover over Anthony
 12 Holmes' head and applying electricity to him?
 13 MS. EKL: Objection, form, foundation,
 14 assumes facts not in evidence.
 15 A I stand on my Fifth Amendment rights.
 16 BY MR. AINSWORTH:
 17 Q Isn't it true that electricity was applied to
 18 Anthony Holmes' body in your presence about four to
 19 five times?
 20 MS. EKL: Objection, form, foundation,
 21 assumes facts not in evidence.
 22 A I stand on my Fifth Amendment rights.
 23 BY MR. AINSWORTH:
 24 Q Isn't it true that you observed Jon Burge

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1 turn the crank on the little box to send electricity
 2 through Anthony Holmes' body?
 3 MS. EKL: Objection, form, foundation,
 4 assumes facts not in evidence.
 5 A I stand on my Fifth Amendment rights.
 6 BY MR. AINSWORTH:
 7 Q Isn't it true that you observed Detective
 8 Yusitis force electricity through Anthony Holmes'
 9 body?
 10 MS. EKL: Objection, form, foundation,
 11 assumes facts not in evidence.
 12 A I stand on my Fifth Amendment rights.
 13 BY MR. AINSWORTH:
 14 Q Isn't it true that you interrogated Andrew
 15 Wilson on February 14, 1982?
 16 A I stand on my Fifth Amendment rights.
 17 Q Isn't it true that you placed a typewriter
 18 cover over Andrew Wilson's head during his
 19 interrogation on February 14, 1982?
 20 MS. EKL: Objection, assumes facts not in
 21 evidence.
 22 A I stand on my Fifth Amendment rights.
 23 BY MR. AINSWORTH:
 24 Q Isn't it true that you observed another

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1 detective place a typewriter cover over Andrew
 2 Wilson's head to prevent him from breathing on
 3 February 14, 1982?
 4 MS. EKL: Objection, foundation, assumes
 5 facts not in evidence.
 6 MR. MICHALIK: And vague.
 7 A I stand on my Fifth Amendment rights.
 8 BY MR. AINSWORTH:
 9 Q Isn't it true that you placed a typewriter
 10 cover over Andrew Wilson's head in an effort to
 11 prevent him from breathing on February 14, 1982?
 12 MS. EKL: Objection, form, foundation,
 13 assumes facts not in evidence.
 14 A I stand on my Fifth Amendment rights.
 15 (Whereupon Mr. Arger entered the room.)
 16 MR. AINSWORTH: Let's take a break.
 17 (A recess was taken, after which the
 18 following proceedings were had with Mr. Michalik
 19 not present:)
 20 Q Isn't it true that you placed a portion of
 21 Andrew Wilson's body against a radiator in an effort
 22 to burn his skin on February 14, 1982?
 23 MS. EKL: Objection, form, foundation,
 24 assumes facts not in evidence. And Russell, I'd

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1 ask that you provide a good faith basis for
 2 asking these questions about Andrew Wilson. This
 3 is the second deposition that you've asked
 4 questions on which there's absolutely no basis in
 5 the world for asking questions about why this
 6 particular detective would be present for any
 7 interrogation or any of the other things that
 8 you're saying happened to this particular
 9 suspect.
 10 MR. AINSWORTH: I don't have to give a good
 11 faith basis, but for this particular question I
 12 will and that's simply because the Illinois
 13 Supreme Court decision states that the only
 14 detectives involved in both the abuse of Andrew
 15 Wilson and abuse of Aaron Patterson were Jon
 16 Burge and James Pienta, so --
 17 MS. EKL: Well, I'd ask --
 18 MR. AINSWORTH: -- that's a good faith basis
 19 for asking questions. But I don't need to have a
 20 good faith basis, I don't need to provide a good
 21 faith basis for asking questions at a deposition.
 22 If you think I'm proceeding in an unduly
 23 burdensome or harassing manner, by all means
 24 provide a motion to the Court for a protective

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1 order. But I think that asking -- you know, I've
 2 limited the questions I've asked about each of
 3 these people to about ten minutes, tops. So I
 4 think it would be a lot faster just for me to ask
 5 my ten minutes of questions and we move on.
 6 MS. EKL: I don't object that it's overly
 7 burdensome and that the length of the questions
 8 or the number of the questions is excessive. I
 9 do object to the fact that I know, because of my
 10 involvement in certain other civil cases, that
 11 some of the questions you're asking about certain
 12 detectives are not even things that those
 13 particular individuals are claiming happened to
 14 them or that those detectives were present for.
 15 So I'm just objecting to the extent you're
 16 asking questions knowing that these witnesses are
 17 going to assert their Fifth Amendment rights to
 18 all questions without any basis for believing
 19 that they had any participation in any aspect of
 20 the interrogation or investigation. So I'm just
 21 making that of record.
 22 BY MR. AINSWORTH:
 23 Q Okay. Sir, isn't it true that you observed
 24 another detective place Andrew Wilson's body or skin

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1 against a radiator so as to burn his skin?

2 MS. EKL: Objection, form, foundation,

3 assumes facts not in evidence.

4 A I stand on my Fifth Amendment rights.

5 BY MR. AINSWORTH:

6 Q Isn't it true that you observed Jon Burge

7 place Andrew Wilson's body against a radiator in an

8 effort to burn his skin on February 14, 1982?

9 MS. EKL: Objection, form, foundation, assumes

10 facts not in evidence.

11 A I stand on my Fifth Amendment rights.

12 BY MR. AINSWORTH:

13 Q Isn't it true that you observed Jon Burge

14 apply electrical current to Andrew Wilson's body?

15 A I stand on my Fifth Amendment right.

16 Q Isn't it true that you applied electrical

17 current to Andrew Wilson's body on February 14, 1982?

18 MS. EKL: Objection, form, foundation,

19 assumes facts not in evidence.

20 A I stand on my Fifth Amendment rights.

21 BY MR. AINSWORTH:

22 Q Isn't it true that you punched Andrew Wilson

23 on February 14, 1982?

24 MS. EKL: Objection, foundation, assumes

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1 facts not in evidence.

2 A I stand on my Fifth Amendment right.

3 BY MR. AINSWORTH:

4 Q Isn't true that you kicked Andrew Wilson on

5 February 14, 1982?

6 MS. EKL: Objection, foundation, assumes

7 facts not in evidence.

8 A I stand on my Fifth Amendment right.

9 BY MR. AINSWORTH:

10 Q Isn't it true that you observed another

11 Area 2 detective punch Andrew Wilson on February 14,

12 1982?

13 MS. EKL: Objection, form, foundation,

14 assumes facts not in evidence.

15 A I stand on my Fifth Amendment rights.

16 BY MR. AINSWORTH:

17 Q Isn't did true that you kicked Andrew Wilson

18 on February 14, 1982?

19 MS. EKL: Objection, form, foundation,

20 assumes facts not in evidence.

21 A I stand on my Fifth Amendment rights.

22 BY MR. AINSWORTH:

23 Q Isn't it true that you heard Andrew Wilson

24 calling for help during his interrogation on

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1 February 14, 1982?

2 MS. EKL: Objection, form, foundation,

3 assumes facts not in evidence.

4 A I stand on my Fifth Amendment right.

5 BY MR. AINSWORTH:

6 Q Tell me everybody who was present for each of

7 the interrogations of Andrew Wilson on February 14,

8 1982.

9 MS. EKL: Objection, form, foundation,

10 assumes facts not in evidence.

11 A I stand on my Fifth Amendment right.

12 BY MR. AINSWORTH:

13 Q Can you tell me whether any of the other

14 detectives who are defendants in this litigation were

15 present for the interrogation of Andrew Wilson on

16 February 14, 1982?

17 MS. EKL: Objection, form, foundation,

18 assumes facts not in evidence.

19 A I stand on my Fifth Amendment rights.

20 BY MR. AINSWORTH:

21 Q Do you have an alibi for February 14, 1982

22 that would place you at some location other than

23 where Andrew Wilson was on that day?

24 MS. EKL: Objection, form, assumes facts not

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1 in evidence.

2 A I stand on my Fifth Amendment rights.

3 BY MR. AINSWORTH:

4 Q Isn't it true that you used force against

5 Andrew Wilson in an effort to get him to give a

6 confession?

7 MS. EKL: Objection, form, foundation,

8 assumes facts not in evidence.

9 A I stand on my Fifth Amendment rights.

10 BY MR. AINSWORTH:

11 Q Isn't it true that you used force against

12 Michael Coleman in an effort to get him to provide a

13 confession?

14 MS. EKL: Objection, form, foundation,

15 assumes facts not in evidence.

16 A I stand on my Fifth Amendment right.

17 BY MR. AINSWORTH:

18 Q Isn't it true that you used force against

19 Derrick King in an effort to coerce him to give a

20 confession?

21 MS. EKL: Objection, form, foundation,

22 assumes facts not in evidence.

23 A I stand on my Fifth Amendment rights.

24

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1 BY MR. AINSWORTH:

2 Q Isn't it true that you used force against

3 Maron Diggins to get him to provide a confession?

4 MS. EKL: Objection, form, foundation,

5 assumes facts not in evidence.

6 A I stand on my Fifth Amendment rights.

7 BY MR. AINSWORTH:

8 Q Isn't it true that you provided force or you

9 used force against Anthony Holmes to coerce him to

10 give a confession?

11 MS. EKL: Objection, form, foundation,

12 assumes facts not in evidence.

13 A I stand on my Fifth Amendment rights.

14 BY MR. AINSWORTH:

15 Q Were you involved in the interrogation of a

16 man named Terrence Houston* on or about October 3,

17 1986?

18 A I stand on my Fifth Amendment rights.

19 Q Isn't it true that you observed Terrence --

20 Detective Lotito use force against Terrence Houston

21 during his interrogation on or about October 3, 1986?

22 MS. EKL: Objection, foundation, assumes

23 facts not in evidence.

24 A I stand on my Fifth Amendment right.

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1 BY MR. AINSWORTH:

2 Q Isn't it true that you observed another

3 detective strike Terrence Houston in the stomach and

4 the side of the face during his interrogation?

5 MS. EKL: Objection, form, foundation,

6 assumes facts not in evidence.

7 A I stand on my Fifth Amendment right.

8 BY MR. AINSWORTH:

9 Q Isn't it true that on January 8, 1990, you

10 were present for the interrogation of a man named

11 Miguel Fluker?

12 A I stand on my Fifth Amendment right.

13 Q Were you ever partners with a man named

14 Detective Pesavento, P-e-s-a-v-e-n-t-o?

15 A I stand on my Fifth Amendment right.

16 Q How would you describe your ethnicity?

17 A I stand on my Fifth Amendment right.

18 Q Isn't it true that you when you entered a

19 room containing Miguel Fluker and Detective

20 Pesavento, you told Mr. Fluker that he was wasting

21 your partner's time, all he has to do is say he was

22 present and then he can leave?

23 MS. EKL: Objection, form, foundation,

24 assumes facts not in evidence.

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1 A I stand on my Fifth Amendment rights.

2 BY MR. AINSWORTH:

3 Q Isn't it true that Miguel Fluker then told

4 you that he didn't shoot Jesse Hudson?

5 MS. EKL: Objection, foundation, form,

6 assumes facts not in evidence.

7 A I stand on my Fifth Amendment right.

8 BY MR. AINSWORTH:

9 Q Isn't it true that you then told Miguel

10 Fluker that if he tells you what you want to hear,

11 you will let him go?

12 MS. EKL: Objection, foundation, assumes

13 facts not in evidence.

14 A I stand on my Fifth Amendment right.

15 BY MR. AINSWORTH:

16 Q Isn't true that you then left Detective

17 Pesavento alone in the room with Miguel Fluker?

18 MS. EKL: Objection, foundation, assumes

19 facts not in evidence.

20 A I stand on my Fifth Amendment right.

21 BY MR. AINSWORTH:

22 Q Isn't it true that when you left Miguel

23 Fluker alone with Detective Pesavento, you knew that

24 Detective Pesavento would use physical force against

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1 Miguel Fluker?

2 MS. EKL: Objection, form, foundation,

3 assumes facts not in evidence.

4 A I stand on my Fifth Amendment rights.

5 BY MR. AINSWORTH:

6 Q Isn't it true that before you began your

7 interrogation of Miguel Fluker, you and Detective

8 Pesavento reached an agreement to use force, that

9 Detective Pesavento would be the one who would use

10 force against Miguel Fluker?

11 MS. EKL: Objection, form, foundation,

12 assumes facts not in evidence.

13 A I stand on my Fifth Amendment right.

14 BY MR. AINSWORTH:

15 Q And isn't it true that you and Detective

16 Pesavento, before interrogating Miguel Fluker, agreed

17 to use force against Miguel Fluker in an effort to

18 coerce Miguel Fluker to give a confession?

19 MS. EKL: Objection, form, foundation,

20 assumes facts not in evidence.

21 A I stand on my Fifth Amendment rights.

22 BY MR. AINSWORTH:

23 Q Isn't it true that after you left Miguel

24 Fluker alone with Detective Pesavento, you returned

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1 to the interrogation room and told Detective
 2 Pesavento to leave Mr. Fluker alone?
 3 MS. EKL: Objection, assumes facts not in
 4 evidence.
 5 A I stand on my Fifth Amendment right.
 6 BY MR. AINSWORTH:
 7 Q Isn't it true that Detective Pesavento then
 8 left the room and you told Mr. Fluker that if he
 9 would say he was just there, they would let him go?
 10 MS. EKL: Objection, form, foundation,
 11 assumes facts not in evidence.
 12 A I stand on my Fifth Amendment right.
 13 BY MR. AINSWORTH:
 14 Q Isn't it true that Miguel Fluker again denied
 15 having anything to do with shooting the victim?
 16 MS. EKL: Objection, foundation, assumes
 17 facts not in evidence.
 18 A I stand on my Fifth Amendment right.
 19 BY MR. AINSWORTH:
 20 Q Isn't it true that Detective Pesavento then
 21 returned and in your presence told Mr. Fluker that he
 22 was going to tell what you guys wanted to hear?
 23 MS. EKL: Objection, form, foundation,
 24 assumes facts not in evidence.

1 A I stand on my Fifth Amendment right.
 2 BY MR. AINSWORTH:
 3 Q Isn't it true you then observed Detective
 4 Pesavento jamming his fists into Miguel Fluker's head
 5 and his kidneys?
 6 MS. EKL: Objection, form, assumes facts not
 7 in evidence.
 8 A I stand on my Fifth Amendment right.
 9 BY MR. AINSWORTH:
 10 Q Isn't it true that you also observed
 11 Detective Pesavento twisting Miguel Fluker's head?
 12 MS. EKL: Objection, assumes facts not in
 13 evidence.
 14 A I stand on my Fifth Amendment right.
 15 BY MR. AINSWORTH:
 16 Q Isn't it true you took no action at that
 17 point to stop Detective Pesavento from either
 18 striking Miguel Fluker's head, his kidneys or
 19 twisting Miguel Fluker's head?
 20 MS. EKL: Objection, form, foundation,
 21 assumes facts not in evidence.
 22 A I stand on my Fifth Amendment right.
 23 BY MR. AINSWORTH:
 24 Q Isn't it true that you provided or that you

1 observed physical force being applied to Mr. Fluker's
 2 head throughout the night of January 8th into the
 3 morning of January 9, 1990?
 4 MS. EKL: Objection, form, foundation,
 5 assumes facts not in evidence.
 6 A I stand on my Fifth Amendment right.
 7 BY MR. AINSWORTH:
 8 Q Isn't it true that you told Miguel Fluker
 9 that you knew he didn't shoot the victim but just --
 10 but that he should just say that he fired a gun in
 11 the air so he could go home?
 12 MS. EKL: Objection, foundation, assumes
 13 facts not in evidence.
 14 A I stand on my Fifth Amendment right.
 15 BY MR. AINSWORTH:
 16 Q Isn't it true that you heard Detective
 17 Pesavento tell Miguel Fluker that he knew he did not
 18 shoot the victim but that he was to say that he had
 19 fired the gun in the air so that he could go home?
 20 MS. EKL: Objection, foundation, assumes
 21 facts not in evidence.
 22 A I stand on my Fifth Amendment rights.
 23 BY MR. AINSWORTH:
 24 Q Did you have blond or light colored hair in

1 January of 1990?
 2 A I stand on my Fifth Amendment right.
 3 Q Was Detective Pesavento taller than you in
 4 January of 1990?
 5 MS. EKL: Objection, foundation.
 6 A I stand on my Fifth Amendment right.
 7 BY MR. AINSWORTH:
 8 Q Did Detective Pesavento have black hair in
 9 January of 1990?
 10 MS. EKL: Objection, foundation.
 11 A I stand on my Fifth Amendment right.
 12 BY MR. AINSWORTH:
 13 Q Did you interrogate a man named Sean Whirl on
 14 April 20, 1990?
 15 A I stand on my Fifth Amendment rights.
 16 Q Did you interrogate Sean Whirl on April 20,
 17 1990 at Area 2?
 18 A I stand on my Fifth Amendment right.
 19 Q Isn't it true that when you entered the
 20 interrogation room where Sean Whirl was, he was
 21 sleeping at the time?
 22 MS. EKL: Objection, assumes facts not in
 23 evidence.
 24 A I stand on my Fifth Amendment right.

1 BY MR. AINSWORTH:

2 Q Isn't it true that you then stepped on Sean

3 Whirl's foot?

4 MS. EKL: I object, assumes facts not in

5 evidence.

6 A I stand on my Fifth Amendment right.

7 BY MR. AINSWORTH:

8 Q Isn't it true that when you stepped on Sean

9 Whirl's foot, you told him to wake up, nigger?

10 MS. EKL: Objection, assumes facts not in

11 evidence.

12 A I stand on my Fifth Amendment rights.

13 BY MR. AINSWORTH:

14 Q Isn't it true that you then slapped Sean

15 Whirl and then repeated the phrase wake up, nigger to

16 him?

17 MS. EKL: Objection, form, assumes facts not

18 in evidence.

19 A I stand on my Fifth Amendment right.

20 BY MR. AINSWORTH:

21 Q Did you ever use the N word when

22 interrogating persons at Area 2?

23 MS. EKL: Objection, form, foundation.

24 A I stand on my Fifth Amendment right.

1 BY MR. AINSWORTH:

2 Q Did you you ever use the N word even in a

3 non-threatening way to Area 2 suspects?

4 MS. EKL: Objection, form, foundation.

5 A I stand on my Fifth Amendment right.

6 BY MR. AINSWORTH:

7 Q Did you use the N word when speaking with

8 other Area 2 detectives?

9 MS. EKL: Objection, form, foundation.

10 A I stand on my Fifth Amendment rights.

11 BY MR. AINSWORTH:

12 Q Did you hear other Area 2 detectives using

13 the N word around Area 2?

14 MS. EKL: Objection, foundation.

15 A I stand on my Fifth Amendment right.

16 BY MR. AINSWORTH:

17 Q Did you hear Jon Burge using the N word

18 during interrogations at Area 2?

19 MS. EKL: Objection, form, foundation.

20 A I stand on my Fifth Amendment right.

21 BY MR. AINSWORTH:

22 Q Did you hear Jon Burge using the N word when

23 talking with other detectives at Area 2?

24 MS. EKL: Objection, form, foundation.

1 A I stand on my Fifth Amendment right.

2 BY MR. AINSWORTH:

3 Q Do you understand when I'm using the word or

4 when I say the N word in this deposition, I'm using

5 that as a euphemism for nigger? Do you understand

6 that, sir?

7 A Yes, I do.

8 Q Did you hear Raymond Madigan using the N word

9 to criminal suspects at Area 2?

10 MS. EKL: Objection, form, foundation.

11 A I stand on my Fifth Amendment rights.

12 BY MR. AINSWORTH:

13 Q Did you hear Detective Madigan using the N

14 word when talking with other detectives at Area 2?

15 MS. EKL: Objection, form, foundation.

16 A I stand on my Fifth Amendment rights.

17 BY MR. AINSWORTH:

18 Q Did you hear Detective Marley using the

19 N word when interrogating suspects at Area 2?

20 MS. EKL: Objection, form, foundation.

21 A I stand on my Fifth Amendment right.

22 BY MR. AINSWORTH:

23 Q Did you hear Detective Marley using the N

24 word when talking to other detectives at Area 2?

1 MS. EKL: Objection, form, foundation.

2 A I stand on my Fifth Amendment right.

3 BY MR. AINSWORTH:

4 Q Did you hear Detective Pederson using the

5 N word when interrogating suspects at Area 2?

6 MS. EKL: Objection, form, foundation.

7 A I stand on my Fifth Amendment right.

8 BY MR. AINSWORTH:

9 Q Did you hear Detective Pederson using the

10 N word when talking to other detectives at Area 2?

11 MS. EKL: Objection, form, foundation.

12 A I stand on my Fifth Amendment right.

13 BY MR. AINSWORTH:

14 Q Did you hear Detective McWeeny using the

15 N word when interrogating suspects at Area 2?

16 MS. EKL: Objection, form, foundation.

17 A I stand on my Fifth Amendment right.

18 BY MR. AINSWORTH:

19 Q Isn't it true that you heard Detective

20 McWeeny using the N word when talking to other

21 detectives at Area 2?

22 MS. EKL: Objection, form, foundation,

23 assumes facts not in evidence.

24 A I stand on my Fifth Amendment rights.

1 BY MR. AINSWORTH:

2 Q Isn't it true that you heard each of Jon

3 Burge, Raymond Madigan, Bill Marley, Bill Pederson

4 and Dan McWeeny using the N word when interrogating

5 suspects at Area 2?

6 MS. EKL: Objection, form, foundation,

7 assumes facts not in evidence.

8 A I stand on my Fifth Amendment rights.

9 BY MR. AINSWORTH:

10 Q Isn't it true that you heard each of Jon

11 Burge, Ray Madigan, Bill Marley, Bill Pederson and

12 Dan McWeeny using the N word when talking to other

13 detectives at Area 2?

14 MS. EKL: Objection, foundation, assumes

15 facts not in evidence.

16 A I stand on my Fifth Amendment rights.

17 BY MR. AINSWORTH:

18 Q Isn't it true that when you slapped Sean

19 Whirl, his right hand was handcuffed to the wall?

20 MS. EKL: Objection, form, assumes facts not

21 in evidence.

22 A I stand on my Fifth Amendment rights.

23 BY MR. AINSWORTH:

24 Q Isn't it true that you then un-handcuffed

1 Sean Whirl but then handcuffed both of his hands to a

2 pair of handcuffs through a ring in the wall?

3 MS. EKL: Objection, form, foundation,

4 assumes facts not in evidence.

5 A I stand on my Fifth Amendment rights.

6 BY MR. AINSWORTH:

7 Q Isn't it true that Mr. Whirl then asked you

8 if he could get something to eat?

9 MS. EKL: Objection, form, vague, assumes

10 facts not in evidence.

11 A I stand on my Fifth Amendment right.

12 BY MR. AINSWORTH:

13 Q Isn't it true you told Sean Whirl that he

14 could get something to eat after he cooperated with

15 the investigation?

16 MS. EKL: Objection, form, foundation,

17 assumes facts not in evidence.

18 A I stand on my Fifth Amendment right.

19 BY MR. AINSWORTH:

20 Q Isn't it true that you told Sean Whirl that

21 the statement he had given previously disclaiming any

22 involvement in the murder just wouldn't do?

23 MS. EKL: Objection, foundation, assumes

24 facts not in evidence.

1 A I stand on my Fifth Amendment rights.

2 BY MR. AINSWORTH:

3 Q Isn't it true that you told Sean Whirl that

4 his girlfriend Tanya was at the station?

5 MS. EKL: Objection, foundation, assumes

6 facts not in evidence.

7 A I stand on my Fifth Amendment rights.

8 BY MR. AINSWORTH:

9 Q Isn't it true you told Sean Whirl that if he

10 cooperated, you wouldn't put Tanya, his girlfriend in

11 the interrogation -- in another interrogation room?

12 MS. EKL: Objection, foundation, assumes

13 facts not in evidence.

14 A I stand on my Fifth Amendment rights.

15 BY MR. AINSWORTH:

16 Q Isn't it true that you told Sean Whirl that

17 if he cooperated, that he would get an I-bond, be

18 able to go home and see Tanya and get something to

19 eat?

20 MS. EKL: Objection, form, foundation,

21 assumes facts not in evidence.

22 A I stand on my Fifth Amendment rights.

23 BY MR. AINSWORTH:

24 Q Isn't it true that you told Sean Whirl to

1 just repeat after you and there wouldn't be any

2 problem?

3 MS. EKL: Objection, foundation, assumes

4 facts not in evidence.

5 A I stand on my Fifth Amendment rights.

6 BY MR. AINSWORTH:

7 Q Isn't it true that you then started feeding

8 Sean Whirl details of the crime?

9 MS. EKL: Objection, form, foundation,

10 assumes facts not in evidence.

11 A I stand on my Fifth Amendment rights.

12 BY MR. AINSWORTH:

13 Q Isn't it true that you then began feeding

14 Sean Whirl details of the crime before Sean Whirl had

15 mentioned any of those details to you?

16 MS. EKL: Objection, form, foundation,

17 assumes facts not in evidence.

18 A I stand on my Fifth Amendment rights.

19 BY MR. AINSWORTH:

20 Q Isn't it true that when Sean Whirl didn't

21 agree to go along and say the things that you wanted

22 him to say, you slapped him again?

23 MS. EKL: Objection, form, foundation,

24 assumes facts not in evidence.

1 A I stand on my Fifth Amendment rights.
 2 BY MR. AINSWORTH:
 3 Q When Sean Whirl insisted, isn't it true when
 4 Sean Whirl insisted he hasn't done anything, that you
 5 continued slapping him?
 6 MS. EKL: Objection, form, foundation,
 7 assumes facts not in evidence.
 8 A I stand on my Fifth Amendment rights.
 9 BY MR. AINSWORTH:
 10 Q Isn't it true that you asked Sean Whirl if he
 11 wanted to see Tanya, his girlfriend, and he said that
 12 he did?
 13 MS. EKL: Objection, foundation.
 14 A I stand on my Fifth Amendment right.
 15 BY MR. AINSWORTH:
 16 Q Isn't it true that you asked Sean Whirl about
 17 a wound that was on Sean Whirl's leg?
 18 MS. EKL: Objection, foundation, assumes
 19 facts not in evidence.
 20 A I stand on my Fifth Amendment right.
 21 BY MR. AINSWORTH:
 22 Q Isn't it true that you began coaching Sean
 23 Whirl on what to say but Sean Whirl was getting it
 24 wrong?

1 MS. EKL: Objection, form, foundation,
 2 assumes facts not in evidence.
 3 A I stand on my Fifth Amendment right.
 4 BY MR. AINSWORTH:
 5 Q Isn't it true that when Sean Whirl was
 6 getting the facts wrong, you started to get real mad?
 7 MS. EKL: Objection, form, foundation,
 8 assumes facts not in evidence.
 9 A I stand on my Fifth Amendment right.
 10 BY MR. AINSWORTH:
 11 Q Isn't it true that you then told Sean Whirl
 12 to put his leg down?
 13 MS. EKL: Objection, form, foundation,
 14 assumes facts not in evidence.
 15 A I stand on my Fifth Amendment right.
 16 BY MR. AINSWORTH:
 17 Q Isn't it true that you then stepped on Sean
 18 Whirl's foot and scraped the wound on Sean Whirl's
 19 leg with a key?
 20 MS. EKL: Objection, form, foundation,
 21 assumes facts not in evidence.
 22 A I stand on my Fifth Amendment right.
 23 BY MR. AINSWORTH:
 24 Q Isn't it true that you continued to tell Sean

1 Whirl what to say but whenever Sean -- well, strike
 2 that. Isn't it true that you told Sean Whirl what to
 3 say but if Sean Whirl would not get it right, that
 4 you would slap him and scrape his wound on his leg
 5 with a key?
 6 MS. EKL: Objection, form, foundation,
 7 assumes facts not in evidence.
 8 A I stand on my Fifth Amendment right.
 9 BY MR. AINSWORTH:
 10 Q Isn't it true that Sean Whirl was yelling
 11 while you were applying the key to the wound on his
 12 leg?
 13 MS. EKL: Objection, foundation, assumes
 14 facts not in evidence.
 15 A I stand on my Fifth Amendment right.
 16 BY MR. AINSWORTH:
 17 Q Isn't it true that when Sean Whirl asked for
 18 some food, you took a bag of potato chips and smashed
 19 them into Sean Whirl's face, covering his nose and
 20 mouth and breaking the bag?
 21 MS. EKL: Objection, form, foundation,
 22 assumes facts not in evidence.
 23 A I stand on my Fifth Amendment rights.
 24

1 BY MR. AINSWORTH:
 2 Q Isn't it true that you then coached Sean
 3 Whirl on what you wanted him to say?
 4 MS. EKL: Objection, foundation, assumes
 5 facts not in evidence.
 6 A I stand on my Fifth Amendment rights.
 7 BY MR. AINSWORTH:
 8 Q Isn't it true that after Sean Whirl agreed to
 9 say what you wanted him to say, you took him to see
 10 Tanya through a one way glass?
 11 MS. EKL: Objection, form, foundation,
 12 assumes facts not in evidence.
 13 A I stand on my Fifth Amendment right.
 14 BY MR. AINSWORTH:
 15 Q Isn't it true that you didn't let Sean Whirl
 16 speak to Tanya through the one way glass, just
 17 observe her?
 18 MS. EKL: Objection, form, foundation,
 19 assumes facts not in evidence.
 20 A I stand on my Fifth Amendment rights.
 21 BY MR. AINSWORTH:
 22 Q Isn't it true that Sean Whirl told you that
 23 he couldn't really read?
 24 MS. EKL: Objection, foundation, assumes

1 facts not in evidence.

2 A I stand on my Fifth Amendment rights.

3 BY MR. AINSWORTH:

4 Q Isn't it true that you offered to get Sean

5 Whirl some food if he would just give a statement?

6 MS. EKL: Objection, foundation, assumes

7 facts not in evidence.

8 A I stand on my Fifth Amendment right.

9 BY MR. AINSWORTH:

10 Q Isn't it true that you caused injury to Sean

11 Whirl's previous injury on his leg and Michael

12 Coleman's previous injury to his face in an effort to

13 coerce both of those individuals to give a false

14 confession?

15 MS. EKL: Objection, form, foundation,

16 assumes facts not in evidence.

17 A I stand on my Fifth Amendment right.

18 BY MR. AINSWORTH:

19 Q Isn't it true that Aaron Patterson told you

20 that he had no involvement in the Sanchez murders?

21 MS. EKL: Objection, foundation.

22 A I stand on my Fifth Amendment right.

23 BY MR. AINSWORTH:

24 Q Isn't it true that Eric Caine told you that

1 he had no involvement in the Sanchez murders?

2 MS. EKL: Objection, foundation.

3 A I stand on my Fifth Amendment rights.

4 BY MR. AINSWORTH:

5 Q Isn't it true that you nevertheless told Eric

6 Caine that he had committed the Sanchez murders and

7 told him details of the crime such as how the victims

8 had been killed and when they had been killed?

9 MS. EKL: Objection, form, foundation.

10 A I stand on my Fifth Amendment rights.

11 BY MR. AINSWORTH:

12 Q Isn't it true that you had a practice of

13 coercing confessions from suspects at Area 2 from

14 1980 to 1990?

15 MS. EKL: Objection, form, foundation.

16 A I stand on my Fifth Amendment rights.

17 BY MR. AINSWORTH:

18 Q Isn't it true that you followed the practice

19 of coercing false confessions from suspects at Area 2

20 with other Area 2 detectives between 1980 and 1990?

21 MS. EKL: Objection, form, foundation,

22 assumes facts not in evidence.

23 MR.ARGER: I'll also join the objection and

24 also state that your statement attributes his

1 invocation of the Fifth Amendment as somehow

2 supporting the Monell claim. I think it's

3 objectionable.

4 A I stand on my Fifth Amendment right.

5 BY MR. AINSWORTH:

6 Q Isn't it true that you had conversations with

7 your superior, Jon Burge, about following a practice

8 of using force against suspects in an effort to get

9 them to confess to crimes they didn't commit?

10 MS. EKL: Objection, form, foundation.

11 MR.ARGER: I join that objection and make

12 the same objection on Monell.

13 A I stand on my Fifth Amendment rights.

14 BY MR. AINSWORTH:

15 Q Tell me the name of every person who filed a

16 motion to suppress a statement that you were one of

17 the detectives involved in obtaining that statement.

18 MS. EKL: Objection, form, foundation.

19 A I stand on my Fifth Amendment right.

20 BY MR. AINSWORTH:

21 Q Tell me the name of every person who filed a

22 complaint with the city regarding physical abuse

23 against them by you during their interrogation.

24 MS. EKL: Objection, form, foundation,

1 assumes facts not in evidence.

2 A I stand on my Fifth Amendment rights.

3 BY MR. AINSWORTH:

4 Q Did the city ever take any disciplinary

5 action against you during your career as a Chicago

6 police officer?

7 A Just one minute.

8 Q Well, hang on a second. Can you answer the

9 question?

10 A I stand on my Fifth Amendment rights.

11 Q If you need to consult with your attorney,

12 you may do so.

13 A I stand on my Fifth Amendment rights. I

14 don't need --

15 Q I'm just saying if you need to consult with

16 your attorney, please just let us know and we'll take

17 a break and you can do it.

18 A Okay.

19 Q Were you ever questioned by any agent for the

20 Office of Professional Standards in regard to any

21 complaints of you using force against a suspect?

22 A I stand on my Fifth Amendment right.

23 Q Between 1980 and 1990 did you know that you

24 could use force against a criminal suspect without

1 any fear that the city would discipline you?

2 MS. EKL: Objection, form, foundation,

3 assumes facts not in evidence.

4 MR.ARGER: I'll join that objection. And

5 also, can we have a standing objection to all

6 these questions that are objectionable on the use

7 of this witness' Fifth Amendment rights?

8 MR. AINSWORTH: Yes.

9 A I stand on my Fifth Amendment right.

10 Q Isn't it true that you withheld exculpatory

11 documentation from Eric Caine and the prosecution?

12 MS. EKL: Objection, form, foundation.

13 A I stand on my Fifth Amendment rights.

14 BY MR. AINSWORTH:

15 Q Isn't it true that you withheld exculpatory

16 documentation from Eric Caine and the prosecution in

17 conjunction with a practice of withholding

18 exculpatory information between the years 1980 and

19 1990 and withholding that information from the

20 prosecution and from criminal defendants?

21 MS. EKL: Objection, form, foundation,

22 assumes facts not in evidence.

23 MR.ARGER: And we have a standing objection,

24 so I'm going to stop talking now, but I object to

1 that question.

2 MR. AINSWORTH: I understand.

3 A I stand on my Fifth Amendment rights.

4 BY MR. AINSWORTH:

5 Q Tell me the name of every criminal suspect

6 that you used force against while that suspect was in

7 police custody.

8 MS. EKL: Objection, form, foundation,

9 assumes facts not in evidence.

10 A I stand on my Fifth Amendment rights.

11 BY MR. AINSWORTH:

12 Q Tell me the name of every criminal suspect

13 you used force against while that suspect was inside

14 a police station.

15 MS. EKL: Objection, form, foundation,

16 assumes facts not in evidence.

17 A I stand on my Fifth Amendment right.

18 MR. AINSWORTH: Let's take a short break.

19 I'll review my notes and see where we're at.

20 (A recess was taken, after which the

21 following proceedings were had:)

22 Q Sir, are the allegations of physical abuse

23 lodged by Aaron Patterson and Eric Caine against you

24 false?

1 MS. EKL: Objection, form, vague.

2 A I stand on my Fifth Amendment right.

3 BY MR. AINSWORTH:

4 Q Tell me every reason you can think of that

5 would prove that Eric Caine and Aaron Patterson's

6 allegations of physical force against you are false?

7 MS. EKL: Objection, form, vague.

8 A I stand on my Fifth Amendment rights.

9 BY MR. AINSWORTH:

10 Q Are there any witnesses or documentary

11 evidence that you can point to that would support a

12 claim by you that the allegations against you are

13 false?

14 MS. EKL: Objection, form, vague.

15 A I stand on my Fifth Amendment rights.

16 BY MR. AINSWORTH:

17 Q If you're going to testify about your family

18 members or any family members at trial, then I would

19 ask you about those people now during this

20 deposition. If you refuse to answer any questions

21 about your family members, I've got no problem with

22 that, but then I would just simply move to bar you

23 from talking about any family members at trial.

24 MS. EKL: Are you just making a statement?

1 MR. AINSWORTH: Well, I'm putting you on

2 notice. I'm going to ask him the questions. But

3 you know how some people get up and say I'm

4 married, I've got so many kids.

5 MS. EKL: At this point in time we'd object

6 because he has not formulated a decision as to

7 whether or not he's going to put those things

8 into evidence. If he decides to testify and if

9 he does decide to testify about those particular

10 matters, we would agree to reopen his deposition

11 so you could ask him questions about that. But

12 at this point in time obviously issues regarding

13 his family members are the subject of a

14 protective order and also may not -- he has not

15 decided whether he would be testifying to those

16 at trial.

17 MR. AINSWORTH: But I'm not agreeing to --

18 this is his time to be deposed.

19 MS. EKL: I'm putting that on the record.

20 Just as you made your statement on the record,

21 I'm making my statement on the record and you can

22 ask whatever questions you want.

23 BY MR. AINSWORTH:

24 Q What's your wife's name?

1 A I stand on my Fifth Amendment right.
 2 Q And do you have any children?
 3 A I stand on my Fifth Amendment rights.
 4 Q Do you have any grandchildren?
 5 A I stand on my Fifth Amendment rights.
 6 Q And what are your children's names and
 7 occupations?
 8 A I stand on my Fifth Amendment rights.
 9 Q How many times have you been sued?
 10 A I stand on my Fifth Amendment right.
 11 Q How many times have you been deposed?
 12 A I stand on my Fifth Amendment right.
 13 Q Tell me the names of every case in which
 14 you've been deposed.
 15 A I stand on my Fifth Amendment right.
 16 Q Tell me the name of every case in which
 17 you've been sued.
 18 A I stand on my Fifth Amendment right.
 19 Q Has a judgment ever been entered against you
 20 in a civil case?
 21 A I stand on my Fifth Amendment right.
 22 Q Have you had any employment post retirement
 23 from the Chicago police department?
 24 A I stand on my Fifth Amendment right.

1 Q Are you retired from the Chicago police
 2 department?
 3 A I stand on my Fifth Amendment right.
 4 Q Do you socialize with, in the past year have
 5 you socialized with either Detectives Madigan,
 6 Marley, McWeeny or Pederson?
 7 A I stand on my Fifth Amendment right.
 8 Q When was the last time you saw Detective
 9 Pederson?
 10 A I stand on my Fifth Amendment right.
 11 Q Where was the last time you saw Detective
 12 Pederson?
 13 A I stand on my Fifth Amendment right.
 14 Q When was the last time you saw Detective
 15 McWeeny?
 16 A I stand on my Fifth Amendment rights.
 17 Q Where was the last time you saw Detective
 18 McWeeny?
 19 A I stand on my Fifth Amendment rights.
 20 Q When was the last time you saw Detective
 21 Marley?
 22 A I stand on my Fifth Amendment rights.
 23 Q Where was the last time you saw Detective
 24 Marley?

1 A I stand on my Fifth Amendment rights.
 2 Q When the last time you saw Detective Madigan?
 3 A I stand on my Fifth Amendment rights.
 4 Q Where was the last time you saw Detective
 5 Madigan?
 6 A I stand on my Fifth Amendment rights.
 7 MR. AINSWORTH: I don't have any further
 8 questions for you.
 9 MR.ARGER: I don't have any questions.
 10 MS. EKL: I don't have questions. We'll waive
 11 signature.
 12 MR. AINSWORTH: Thank you for your time.
 13 (WITNESS EXCUSED.)
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1 STATE OF ILLINOIS)
 2) SS.
 3 COUNTY OF C O O K)
 4 I, LYDIA B. PINKAWA, CSR and Notary Public in
 5 and for the County of Cook and State of Illinois, do
 6 hereby certify that on May 22, 2012, at 10:25 a.m.,
 7 at Suite 100, 312 North May Street, Chicago,
 8 Illinois, the deponent JAMES PIENTA personally
 9 appeared before me.
 10 I further certify that the said James Pienta
 11 was by me first duly sworn to testify and that the
 12 foregoing is a true record of the testimony given by
 13 the witness.
 14 I further certify that the deposition
 15 terminated at 12:08 p.m.
 16 I further certify that I am not counsel for nor
 17 related to any of the parties herein, nor am I
 18 interested in the outcome hereof.
 19 In witness whereof, I have hereunto set my hand
 20 and seal of office this 1st day of August, 2012.
 21
 22 Notary Public
 23 CSR No. 084-002342 - Expiration Date: May 31, 2013
 24

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ERIC CAINE,)	
)	
Plaintiff,	)	Case No. 11 C 08996
)	
v.	)	Judge Virginia M. Kendall
)	
JON BURGE, et al.,	)	Jury Trial Demanded
)	
Defendants.)	

**DEFENDANT JON BURGE’S ANSWERS TO
PLAINTIFF’S FIRST SET OF OF INTERROGATORIES**

Defendant Jon Burge, by his attorneys, JAMES G. SOTOS and ELIZABETH A. EKL of THE SOTOS LAW FIRM, P.C., responds to Plaintiff’s First Set of Interrogatories, as follows:

OBJECTIONS TO PLAINTIFF’S “DEFINITIONS AND INSTRUCTIONS”

1. Defendant Burge objects to Plaintiff’s definition of the term “Document” because it specifically includes materials not within Defendant’s possession, custody, and control.
2. Defendant Burge objects to Instruction “4,” as it is overly broad, unduly burdensome, and seeks to impose requirements beyond those contemplated by the Federal Rules of Civil Procedure.
3. Defendant Burge objects to Plaintiff’s Instructions because they are vague and ambiguous. Plaintiff’s Instructions are also overly broad and unduly burdensome. Defendant Burge will respond to Plaintiff’s Interrogatories as required by the Federal Rules of Civil Procedure.

GENERAL OBJECTIONS

1. Defendant Burge asserts the General Objections with respect to each and every Interrogatory.
2. No disclosure by Defendant Burge of any information, document, or other material shall constitute a waiver of any objection asserted in response to specific Interrogatories or a waiver of the General Objections.
3. Defendant Burge reserves the right to at any time revise, correct, add to, amend, or clarify any response. Similarly, Defendant Burge reserves the right to assert additional specific objections and General Objections.
4. Defendant Burge's decision, now or in the future, to provide information or produce documents or other materials in response to Plaintiff's Interrogatories should not be construed as: (a) a stipulation that the information, documents, or materials are relevant or admissible; (b) a waiver of the General Objections or the objections asserted in response to specific Interrogatories, or (c) an agreement that Defendant will treat requests for similar information, documents, or materials in an identical fashion.
5. Defendant Burge objects to providing information or producing documents or other materials that are protected from disclosure by the attorney-client privilege, attorney work-product doctrine, joint-defense privilege, and/or any other applicable privilege or protection. An inadvertent production of privileged or protected information, documents, or other materials shall not constitute a waiver of any privilege or protection.
6. Defendant Burge objects to Plaintiff's Interrogatories to the extent they assume the existence of facts that have not been proven in this case.

7. Defendant Burge objects to Plaintiff's Interrogatories to the extent they impose burdens exceeding the requirements of the Federal Rules of Civil Procedure and/or any other applicable rules.

8. Defendant Burge objects to Plaintiff's Interrogatories' use of the words "ever," "any," and "all," as these terms make the Interrogatories overly broad and too encompassing to permit literal compliance.

9. Defendant Burge objects to Plaintiff's Interrogatories to the extent that, including all discreet subparts, they exceed 25 in number.

INTERROGATORIES

1. State your name, address and phone number, and identify every other Person who participated in answering these Interrogatories and responding to the accompanying Document Requests, indicating which particular Interrogatories and Requests were answered by which other Person.

ANSWER: My name is Jon G. Burge. No one else participated in answering these interrogatories other than my lawyers. Defendant Burge objects to providing his home address and telephone number based on privacy and safety concerns. His address and phone number are the subject of Defendants' proposed Confidential Matter and HIPAA Protective Order. He can be contacted through his counsel, the undersigned attorney.

2. Under oath, please identify by name and address all Persons who, to the best of your understanding, have knowledge of facts that relate to any of the claims or defenses in this action, including, but not limited to, all Persons who are not listed in Defendants' Rule 26 Initial disclosures.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Burge asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

3. For each Person with knowledge responsive to the previous Interrogatory, please describe with particularity any categories of facts known by each such Person relating to the claims or defenses in this action, including all categories of facts about which the Person may be competent to testify at trial. If this Interrogatory is answered by incorporating Documents, please state under oath whether there are any categories of facts known to any witness relating to the claims or defenses in this action which are not reflected in the documents upon which you rely; in the event you fail to do so, Plaintiff will assume the substance of the witnesses' testimony is strictly limited to what is contained in such documents.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Burge asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

4. Under oath, please state whether there have ever been any Complaints ever made against you (including Plaintiff's civil complaint or any civil complaints which presently remain pending) which are not listed on the disciplinary print-out (s) produced by you in this litigation, including, but not limited to, any and all lawsuits in which you are a defendant, Internal Affairs Complaints, OPS Complaints, IPRA Complaints, and all Complaints alleging dishonest behavior, such as lying under oath, concealing or withholding evidence, falsifying or planting evidence; the use of improperly suggestive, coercive, or torturous methods on suspects, arrestees, or witnesses; the use of unduly suggestive visual and/or voice identification procedures, and the destruction or withholding of police reports or notes from the State's Attorney's Office or criminal defendants. For all Complaints responsive to this Interrogatory, please provide the CR number, case number, or other identifying information.

ANSWER: Defendant Burge objects to Interrogatory No. 4 because this request is overly broad, vague, ambiguous and seeks information that is neither relevant nor

reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant Burge asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

5. State whether you ever communicated with any Person in the Cook County State's Attorney's Office regarding Plaintiff and/or any of the events described in Plaintiff's complaint. For each such Communication state: (a) the date of the Communication; (b) with whom the Communication occurred; and (c) a summary of the nature of the Communication, including any statements made by Chicago Police Department employees and agents, and/or the Person with the State Attorney's Office. If you intend to answer by reference to documents, please state under oath that the documents contain all of the information responsive to this Interrogatory, and provide the relevant Bates Numbers.

ANSWER: Defendant Burge objects to Interrogatory No. 5 because this request is overly broad, vague and ambiguous. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant Burge asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

6. For any Document requested in Plaintiff's discovery requests which have been lost, discarded or destroyed, please identify each document as completely as possible and state the approximate date it was lost, discarded or destroyed; the circumstances and manner in which it was lost, discarded or destroyed, including the identities of all persons involved; the reasons for disposing of the Document; the identity of any persons with knowledge of its content; and the identity of the last person known to have seen it.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Burge asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

7. Please state whether you have ever been convicted of a criminal charge, and for each such responsive conviction, identify: (a) the nature of the conviction; (b) the date of the conviction; (c) the sentence or other disposition of the matter, and (d) the identity of the court or other tribunal which heard the matter.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Burge asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

8. Please state whether you have ever acted inconsistently with any of the policies and practices of the City of Chicago or the Chicago Police Department (formal or informal, written or unwritten) at any time during the entire course of dealing or involvement with Plaintiff. If the answer is in the affirmative, please identify (a) any particular Department policy or Department practice which you believe was violated; and (b) whether any discipline resulted from that violation.

ANSWER: Defendant Burge objects to Interrogatory No. 8 because this request is overly broad, vague and ambiguous. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant Burge asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

9. For any Affirmative Defenses pled in this matter, please describe the entire factual basis or bases supporting those defenses. The information sought by this Interrogatory is not a mere recitation of the statutory sections invoked. Plaintiff requests that you provide a detailed description of every fact and legal basis on which any defense, such as immunity, for example, is asserted so that Plaintiff may have the opportunity to investigate by way of additional discovery requests. For instance, if there are any physical, documentary, or testimonial evidence which supports any such defense, please identify it specifically.

ANSWER: Defendant Burge objects to Interrogatory No. 9 because this request is overly broad, vague and ambiguous. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant Burge asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

10. State whether you ever spoke with Plaintiff at any time, and state with particularity the substance of that discussion/conversation, and the identify (*sic*) every other agent or employee of the City of Chicago involved in that conversation. If you intend to answer by reference to documents, please state under oath that the documents contain all of the information responsive to this Interrogatory, and provide the relative Bates Numbers.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Burge asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

11. Is it your position that the Plaintiff was present at the time the Sanchez murders were committed? If so, please state with specificity every fact and identify every witness on whose testimony you may rely to support your position that Plaintiff was present at the time the Sanchez murders were committed.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Burge asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

12. State whether you have ever created Street Files in connection with any criminal investigation. For each such investigation in which you created Street Files and the defendant was ultimately prosecuted, state (1) the RD number of the investigation or the name of the individual(s) who was/were the subject of the investigation; (2) whether you shared those street files with any member of the State's Attorney's Office; (3) what you did with the Street Files at

the conclusion of your investigation; (4) where you last saw those Street Files, and (5) where those Street Files are presently.

ANSWER: Defendant Burge objects to Interrogatory No. 12 because this request is overly broad, vague and ambiguous. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant Burge asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.



Dated: May 9, 2012

ELIZABETH A. EKL, Attorney No. 6242840
One of the Attorneys for Defendant Jon Burge

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Elizabeth A. Ekl
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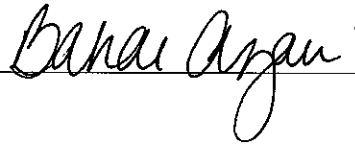
ATTESTATION

Under penalties of perjury pursuant to 28 U.S.C.A. § 1746, I, Jon G. Burge, affirm I am a defendant in the above-captioned matter, that I have read the foregoing document and the answers made herein are true, correct and complete to the best of my knowledge and belief.


Jon G. Burge

PROOF OF SERVICE

I, Bahar Azari, a non-attorney, certify under penalty of perjury pursuant to 28 U.S.C.A. § 1746 that the foregoing is true and correct, that a copy of the attached **Defendant Jon Burge's Answers to Plaintiff's First Set of Interrogatories** was served upon the attorneys listed on the attached service list by electronic mail and by placing same in a U.S. Post Office Mail Box in Itasca, Illinois with postage fully prepaid before 5:00 p.m. on May 14, 2012.

_____

SERVICE LIST
Caine v. Burge, et al.
Case No.:11 CV 08996

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ERIC CAINE,)	
)	
Plaintiff,	)	Case No. 11 C 08996
)	
v.	)	Judge Virginia M. Kendall
)	
JON BURGE, et al.,	)	Jury Trial Demanded
)	
Defendants.)	

**DEFENDANT JON BURGE’S ANSWERS TO
PLAINTIFF’S SECOND SET OF OF INTERROGATORIES**

Defendant Jon Burge, by his attorneys, JAMES G. SOTOS and ELIZABETH A. EKL of THE SOTOS LAW FIRM, P.C., responds to Plaintiff’s Second Set of Interrogatories, as follows:

OBJECTIONS TO PLAINTIFF’S “DEFINITIONS AND INSTRUCTIONS”

1. Defendant Burge objects to Plaintiff’s definition of the term “Document” because it specifically includes materials not within Defendant’s possession, custody, and control.
2. Defendant Burge objects to Instruction “4,” as it is overly broad, unduly burdensome, and seeks to impose requirements beyond those contemplated by the Federal Rules of Civil Procedure.
3. Defendant Burge objects to Plaintiff’s Instructions because they are vague and ambiguous. Plaintiff’s Instructions are also overly broad and unduly burdensome. Defendant Burge will respond to Plaintiff’s Interrogatories as required by the Federal Rules of Civil Procedure.

GENERAL OBJECTIONS

1. Defendant Burge asserts the General Objections with respect to each and every Interrogatory.
2. No disclosure by Defendant Burge of any information, document, or other material shall constitute a waiver of any objection asserted in response to specific Interrogatories or a waiver of the General Objections.
3. Defendant Burge reserves the right to at any time revise, correct, add to, amend, or clarify any response. Similarly, Defendant Burge reserves the right to assert additional specific objections and General Objections.
4. Defendant Burge's decision, now or in the future, to provide information or produce documents or other materials in response to Plaintiff's Interrogatories should not be construed as: (a) a stipulation that the information, documents, or materials are relevant or admissible; (b) a waiver of the General Objections or the objections asserted in response to specific Interrogatories, or (c) an agreement that Defendant will treat requests for similar information, documents, or materials in an identical fashion.
5. Defendant Burge objects to providing information or producing documents or other materials that are protected from disclosure by the attorney-client privilege, attorney work-product doctrine, joint-defense privilege, and/or any other applicable privilege or protection. An inadvertent production of privileged or protected information, documents, or other materials shall not constitute a waiver of any privilege or protection.
6. Defendant Burge objects to Plaintiff's Interrogatories to the extent they assume the existence of facts that have not been proven in this case.

7. Defendant Burge objects to Plaintiff's Interrogatories to the extent they impose burdens exceeding the requirements of the Federal Rules of Civil Procedure and/or any other applicable rules.

8. Defendant Burge objects to Plaintiff's Interrogatories' use of the words "ever," "any," and "all," as these terms make the Interrogatories overly broad and too encompassing to permit literal compliance.

9. Defendant Burge objects to Plaintiff's Interrogatories to the extent that, including all discreet subparts, they exceed 25 in number.

INTERROGATORIES

13. Did you punch, hit, kick, choke, or suffocate either Eric Caine or Aaron Patterson while they were inside a police interview room on April 30, 1986 or May 1, 1986? If so, please state which person you hit, kicked, choked, or suffocated, and identify with particularity

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Burge asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

14. Did you ever punch, hit, kick, choke, or suffocate a criminal suspect or witness inside an interview room at a Chicago police station? If so, please state the name of the individual, the individual's IR number or other identifying information, the date you punched, hit, kicked, choked, or suffocated a criminal suspect or witness inside an interview room, and the RD number of the case you were investigating.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Burge asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

15. State whether you have ever used methods, procedures or techniques involving any form of verbal or physical coercion of suspects while in detention or during interrogation, such as deprivation of sleep, quiet, food, drink, bathroom facilities, or contact with legal counsel or family members, the use of verbal and/or physical threats or intimidation, physical beatings, hangings, the use of racial slurs or profanity, the use of physical restraints, such as handcuffs, the use of photographs or polygraph testing, and the use of physical objects to inflict pain, suffering or fear, such as firearms, telephone books, typewriter covers, radiators, or machines that deliver an electric shock, and for each such use of verbal or physical coercion identify the detainee(s) and/or suspect(s), any other officers or individuals involved, the date of the incident, the specific conduct in which you or any other officer engaged, and whether you or any other officer was the subject of any complaint or discipline as a result of said conduct.

ANSWER: Defendant Burge objects to Interrogatory No. 15 because this request is overly broad, vague, ambiguous and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant Burge asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

16. State whether you were aware of any Chicago Police Officer, including, but not limited to, officers under your command, ever using methods, procedures or techniques involving any form of verbal or physical coercion of suspects while in detention or during interrogation, such as deprivation of sleep, quiet, food, drink, bathroom facilities, or contact with legal counsel or family members, the use of verbal and/or physical threats or intimidation, physical beatings, hangings, the use of racial slurs or profanity, the use of physical restraints, such as handcuffs, the use of photographs or polygraph testing, and the use of physical objects to inflict pain, suffering or fear, such as firearms, telephone books, typewriter covers, radiators, or

machines that deliver an electric shock, and for each such use of verbal or physical coercion of which you were aware identify the detainee(s) and/or suspect(s), any other officers or individuals involved, the date of the incident, the specific conduct in which you or any other officer engaged, and whether you or any other officer was the subject of any complaint.

ANSWER: Defendant Burge objects to Interrogatory No. 16 because this request is overly broad, vague and ambiguous and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant Burge asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

17. State whether you have ever been the subject of an investigation by the United States Attorneys office, the Cook County States Attorneys office, or any other investigative or law enforcement agency and, if so, state whether you have ever given any statement, written or verbal, or testimony to any investigative or law enforcement agency or personnel, identify the person(s) to whom any statement was given, give the date of the statement, and state in detail the substance of the statement.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Burge asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.



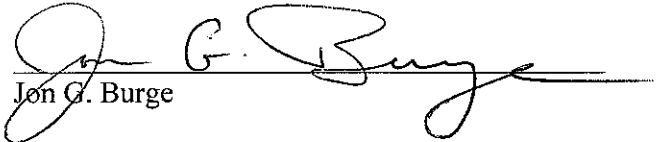
Dated: May 21, 2012

ELIZABETH A. EKL, Attorney No. 6242840
One of the Attorneys for Defendant Jon Burge

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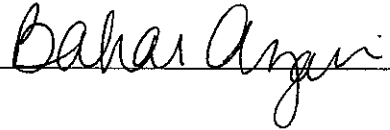
ATTESTATION

Under penalties of perjury pursuant to 28 U.S.C.A. § 1746, I, Jon G. Burge, affirm I am a defendant in the above-captioned matter, that I have read the foregoing document and the answers made herein are true, correct and complete to the best of my knowledge and belief.


Jon G. Burge

PROOF OF SERVICE

I, Bahar Azari, a non-attorney, certify under penalty of perjury pursuant to 28 U.S.C.A. § 1746 that the foregoing is true and correct, that a copy of the attached **Defendant Jon Burge's Answers to Plaintiff's Second Set of Interrogatories** was served upon the attorneys listed on the attached service list by electronic mail and by placing same in a U.S. Post Office Mail Box in Itasca, Illinois with postage fully prepaid before 5:00 p.m. on May 21, 2012.

A handwritten signature in cursive script, reading "Bahar Azari", is written over a horizontal line.

SERVICE LIST
Caine v. Burge, et al.
Case No.:11 CV 08996

Attorneys for Plaintiff

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ERIC CAINE,)	
)	
Plaintiff,	)	Case No. 11 C 08996
)	
v.	)	Judge Virginia M. Kendall
)	
JON BURGE, et al.,	)	Jury Trial Demanded
)	
Defendants.)	

**DEFENDANT RAYMOND MADIGAN'S ANSWERS TO
PLAINTIFF'S FIRST SET OF OF INTERROGATORIES**

Defendant Raymond Madigan, by his attorneys, JAMES G. SOTOS and ELIZABETH A. EKL of THE SOTOS LAW FIRM, P.C., responds to Plaintiff's First Set of Interrogatories, as follows:

OBJECTIONS TO PLAINTIFF'S "DEFINITIONS AND INSTRUCTIONS"

1. Defendant Madigan objects to Plaintiff's definition of the term "Document" because it specifically includes materials not within Defendant's possession, custody, and control.
2. Defendant Madigan objects to Instruction "4," as it is overly broad, unduly burdensome, and seeks to impose requirements beyond those contemplated by the Federal Rules of Civil Procedure.
3. Defendant Madigan objects to Plaintiff's Instructions because they are vague and ambiguous. Plaintiff's Instructions are also overly broad and unduly burdensome. Defendant Madigan will respond to Plaintiff's Interrogatories as required by the Federal Rules of Civil Procedure.

GENERAL OBJECTIONS

1. Defendant Madigan asserts the General Objections with respect to each and every Interrogatory.
2. No disclosure by Defendant Madigan of any information, document, or other material shall constitute a waiver of any objection asserted in response to specific Interrogatories or a waiver of the General Objections.
3. Defendant Madigan reserves the right to at any time revise, correct, add to, amend, or clarify any response. Similarly, Defendant Madigan reserves the right to assert additional specific objections and General Objections.
4. Defendant Madigan's decision, now or in the future, to provide information or produce documents or other materials in response to Plaintiff's Interrogatories should not be construed as: (a) a stipulation that the information, documents, or materials are relevant or admissible; (b) a waiver of the General Objections or the objections asserted in response to specific Interrogatories, or (c) an agreement that Defendant will treat requests for similar information, documents, or materials in an identical fashion.
5. Defendant Madigan objects to providing information or producing documents or other materials that are protected from disclosure by the attorney-client privilege, attorney work-product doctrine, joint-defense privilege, and/or any other applicable privilege or protection. An inadvertent production of privileged or protected information, documents, or other materials shall not constitute a waiver of any privilege or protection.
6. Defendant Madigan objects to Plaintiff's Interrogatories to the extent they assume the existence of facts that have not been proven in this case.

7. Defendant Madigan objects to Plaintiff's Interrogatories to the extent they impose burdens exceeding the requirements of the Federal Rules of Civil Procedure and/or any other applicable rules.

8. Defendant Madigan objects to Plaintiff's Interrogatories' use of the words "ever," "any," and "all," as these terms make the Interrogatories overly broad and too encompassing to permit literal compliance.

9. Defendant Madigan objects to Plaintiff's Interrogatories to the extent that, including all discreet subparts, they exceed 25 in number.

INTERROGATORIES

1. State your name, address and phone number, and identify every other Person who participated in answering these Interrogatories and responding to the accompanying Document Requests, indicating which particular Interrogatories and Requests were answered by which other Person.

ANSWER: My name is Raymond Madigan. No one else participated in answering these interrogatories other than my lawyers. Defendant Madigan objects to providing his home address and telephone number based on privacy and safety concerns. His address and phone number are the subject of Defendants' proposed Confidential Matter and HIPAA Protective Order. He can be contacted through his counsel, the undersigned attorney.

2. Under oath, please identify by name and address all Persons who, to the best of your understanding, have knowledge of facts that relate to any of the claims or defenses in this action, including, but not limited to, all Persons who are not listed in Defendants' Rule 26 Initial disclosures.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Madigan asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

3. For each Person with knowledge responsive to the previous Interrogatory, please describe with particularity any categories of facts known by each such Person relating to the claims or defenses in this action, including all categories of facts about which the Person may be competent to testify at trial. If this Interrogatory is answered by incorporating Documents, please state under oath whether there are any categories of facts known to any witness relating to the claims or defenses in this action which are not reflected in the documents upon which you rely; in the event you fail to do so, Plaintiff will assume the substance of the witnesses' testimony is strictly limited to what is contained in such documents.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Madigan asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

4. Under oath, please state whether there have ever been any Complaints ever made against you (including Plaintiff's civil complaint or any civil complaints which presently remain pending) which are not listed on the disciplinary print-out (s) produced by you in this litigation, including, but not limited to, any and all lawsuits in which you are a defendant, Internal Affairs Complaints, OPS Complaints, IPRA Complaints, and all Complaints alleging dishonest behavior, such as lying under oath, concealing or withholding evidence, falsifying or planting evidence; the use of improperly suggestive, coercive, or torturous methods on suspects, arrestees, or witnesses; the use of unduly suggestive visual and/or voice identification procedures, and the destruction or withholding of police reports or notes from the State's Attorney's Office or criminal defendants. For all Complaints responsive to this Interrogatory, please provide the CR number, case number, or other identifying information.

ANSWER: Defendant Madigan objects to Interrogatory No. 4 because this request is overly broad, vague, ambiguous and seeks information that is neither relevant nor

reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant Madigan asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

5. State whether you ever communicated with any Person in the Cook County State's Attorney's Office regarding Plaintiff and/or any of the events described in Plaintiff's complaint. For each such Communication state: (a) the date of the Communication; (b) with whom the Communication occurred; and (c) a summary of the nature of the Communication, including any statements made by Chicago Police Department employees and agents, and/or the Person with the State Attorney's Office. If you intend to answer by reference to documents, please state under oath that the documents contain all of the information responsive to this Interrogatory, and provide the relevant Bates Numbers.

ANSWER: Defendant Madigan objects to Interrogatory No. 5 because this request is overly broad, vague and ambiguous. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant Madigan asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

6. For any Document requested in Plaintiff's discovery requests which have been lost, discarded or destroyed, please identify each document as completely as possible and state the approximate date it was lost, discarded or destroyed; the circumstances and manner in which it was lost, discarded or destroyed, including the identities of all persons involved; the reasons for disposing of the Document; the identity of any persons with knowledge of its content; and the identity of the last person known to have seen it.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Madigan asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

7. Please state whether you have ever been convicted of a criminal charge, and for each such responsive conviction, identify: (a) the nature of the conviction; (b) the date of the conviction; (c) the sentence or other disposition of the matter, and (d) the identity of the court or other tribunal which heard the matter.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Madigan asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

8. Please state whether you have ever acted inconsistently with any of the policies and practices of the City of Chicago or the Chicago Police Department (formal or informal, written or unwritten) at any time during the entire course of dealing or involvement with Plaintiff. If the answer is in the affirmative, please identify (a) any particular Department policy or Department practice which you believe was violated; and (b) whether any discipline resulted from that violation.

ANSWER: Defendant Madigan objects to Interrogatory No. 8 because this request is overly broad, vague and ambiguous. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant Madigan asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

9. For any Affirmative Defenses pled in this matter, please describe the entire factual basis or bases supporting those defenses. The information sought by this Interrogatory is not a mere recitation of the statutory sections invoked. Plaintiff requests that you provide a detailed description of every fact and legal basis on which any defense, such as immunity, for example, is asserted so that Plaintiff may have the opportunity to investigate by way of additional discovery requests. For instance, if there are any physical, documentary, or testimonial evidence which supports any such defense, please identify it specifically.

ANSWER: Defendant Madigan objects to Interrogatory No. 9 because this request is overly broad, vague and ambiguous. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant Madigan asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

10. State whether you ever spoke with Plaintiff at any time, and state with particularity the substance of that discussion/conversation, and the identify (*sic*) every other agent or employee of the City of Chicago involved in that conversation. If you intend to answer by reference to documents, please state under oath that the documents contain all of the information responsive to this Interrogatory, and provide the relative Bates Numbers.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Madigan asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

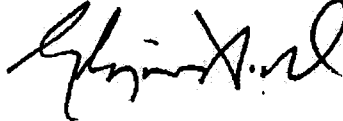
11. Is it your position that the Plaintiff was present at the time the Sanchez murders were committed? If so, please state with specificity every fact and identify every witness on whose testimony you may rely to support your position that Plaintiff was present at the time the Sanchez murders were committed.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Madigan asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

12. State whether you have ever created Street Files in connection with any criminal investigation. For each such investigation in which you created Street Files and the defendant was ultimately prosecuted, state (1) the RD number of the investigation or the name of the individual(s) who was/were the subject of the investigation; (2) whether you shared those street files with any member of the State's Attorney's Office; (3) what you did with the Street Files at

the conclusion of your investigation; (4) where you last saw those Street Files, and (5) where those Street Files are presently.

ANSWER: Defendant Madigan objects to Interrogatory No. 12 because this request is overly broad, vague and ambiguous. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant Madigan asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.



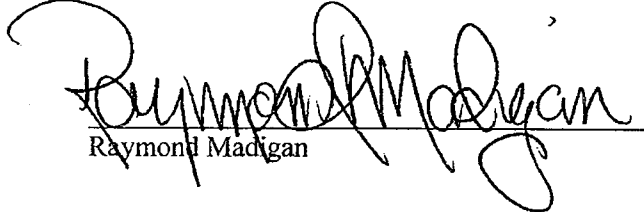
Dated: May 9, 2012

ELIZABETH A. EKL, Attorney No. 6242840
*One of the Attorneys for Defendant Raymond
Madigan*

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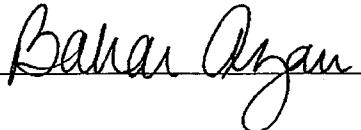
ATTESTATION

Under penalties of perjury pursuant to 28 U.S.C.A. § 1746, I, Raymond Madigan, affirm I am a defendant in the above-captioned matter, that I have read the foregoing document and the answers made herein are true, correct and complete to the best of my knowledge and belief.


Raymond Madigan

PROOF OF SERVICE

I, Bahar Azari, a non-attorney, certify under penalty of perjury pursuant to 28 U.S.C.A. § 1746 that the foregoing is true and correct, that a copy of the attached **Defendant Raymond Madigan's Answers to Plaintiff's First Set of Interrogatories** was served upon the attorneys listed on the attached service list by electronic mail and by placing same in a U.S. Post Office Mail Box in Itasca, Illinois with postage fully prepaid before 5:00 p.m. on May 9, 2012.

_____

SERVICE LIST
Caine v. Burge, et al.
Case No.:11 CV 08996

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ERIC CAINE,)	
)	
Plaintiff,	)	Case No. 11 C 08996
)	
v.	)	Judge Virginia M. Kendall
)	
JON BURGE, et al.,	)	Jury Trial Demanded
)	
Defendants.)	

**DEFENDANT RAYMOND MADIGAN'S ANSWERS TO
PLAINTIFF'S SECOND SET OF OF INTERROGATORIES**

Defendant Raymond Madigan, by his attorneys, JAMES G. SOTOS and ELIZABETH A. EKL of THE SOTOS LAW FIRM, P.C., responds to Plaintiff's Second Set of Interrogatories, as follows:

OBJECTIONS TO PLAINTIFF'S "DEFINITIONS AND INSTRUCTIONS"

1. Defendant Madigan objects to Plaintiff's definition of the term "Document" because it specifically includes materials not within Defendant's possession, custody, and control.
2. Defendant Madigan objects to Instruction "4," as it is overly broad, unduly burdensome, and seeks to impose requirements beyond those contemplated by the Federal Rules of Civil Procedure.
3. Defendant Madigan objects to Plaintiff's Instructions because they are vague and ambiguous. Plaintiff's Instructions are also overly broad and unduly burdensome. Defendant Madigan will respond to Plaintiff's Interrogatories as required by the Federal Rules of Civil Procedure.

GENERAL OBJECTIONS

1. Defendant Madigan asserts the General Objections with respect to each and every Interrogatory.
2. No disclosure by Defendant Madigan of any information, document, or other material shall constitute a waiver of any objection asserted in response to specific Interrogatories or a waiver of the General Objections.
3. Defendant Madigan reserves the right to at any time revise, correct, add to, amend, or clarify any response. Similarly, Defendant Madigan reserves the right to assert additional specific objections and General Objections.
4. Defendant Madigan's decision, now or in the future, to provide information or produce documents or other materials in response to Plaintiff's Interrogatories should not be construed as: (a) a stipulation that the information, documents, or materials are relevant or admissible; (b) a waiver of the General Objections or the objections asserted in response to specific Interrogatories, or (c) an agreement that Defendant will treat requests for similar information, documents, or materials in an identical fashion.
5. Defendant Madigan objects to providing information or producing documents or other materials that are protected from disclosure by the attorney-client privilege, attorney work-product doctrine, joint-defense privilege, and/or any other applicable privilege or protection. An inadvertent production of privileged or protected information, documents, or other materials shall not constitute a waiver of any privilege or protection.
6. Defendant Madigan objects to Plaintiff's Interrogatories to the extent they assume the existence of facts that have not been proven in this case.

7. Defendant Madigan objects to Plaintiff's Interrogatories to the extent they impose burdens exceeding the requirements of the Federal Rules of Civil Procedure and/or any other applicable rules.

8. Defendant Madigan objects to Plaintiff's Interrogatories' use of the words "ever," "any," and "all," as these terms make the Interrogatories overly broad and too encompassing to permit literal compliance.

9. Defendant Madigan objects to Plaintiff's Interrogatories to the extent that, including all discreet subparts, they exceed 25 in number.

INTERROGATORIES

13. Did you punch, hit, kick, choke, or suffocate either Eric Caine or Aaron Patterson while they were inside a police interview room on April 30, 1986 or May 1, 1986? If so, please state which person you hit, kicked, choked, or suffocated, and identify with particularity

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Madigan asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

14. Did you ever punch, hit, kick, choke, or suffocate a criminal suspect or witness inside an interview room at a Chicago police station? If so, please state the name of the individual, the individual's IR number or other identifying information, the date you punched, hit, kicked, choked, or suffocated a criminal suspect or witness inside an interview room, and the RD number of the case you were investigating.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Madigan asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

15. State whether you have ever used methods, procedures or techniques involving any form of verbal or physical coercion of suspects while in detention or during interrogation, such as deprivation of sleep, quiet, food, drink, bathroom facilities, or contact with legal counsel or family members, the use of verbal and/or physical threats or intimidation, physical beatings, hangings, the use of racial slurs or profanity, the use of physical restraints, such as handcuffs, the use of photographs or polygraph testing, and the use of physical objects to inflict pain, suffering or fear, such as firearms, telephone books, typewriter covers, radiators, or machines that deliver an electric shock, and for each such use of verbal or physical coercion identify the detainee(s) and/or suspect(s), any other officers or individuals involved, the date of the incident, the specific conduct in which you or any other officer engaged, and whether you or any other officer was the subject of any complaint or discipline as a result of said conduct.

ANSWER: Defendant Madigan objects to Interrogatory No. 15 because this request is overly broad, vague, ambiguous and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant Madigan asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

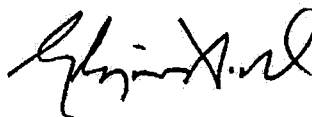
16. State whether you were aware of any Chicago Police Officer, including, but not limited to, officers under your command, ever using methods, procedures or techniques involving any form of verbal or physical coercion of suspects while in detention or during interrogation, such as deprivation of sleep, quiet, food, drink, bathroom facilities, or contact with legal counsel or family members, the use of verbal and/or physical threats or intimidation, physical beatings, hangings, the use of racial slurs or profanity, the use of physical restraints, such as handcuffs, the use of photographs or polygraph testing, and the use of physical objects to inflict pain, suffering or fear, such as firearms, telephone books, typewriter covers, radiators, or

machines that deliver an electric shock, and for each such use of verbal or physical coercion of which you were aware identify the detainee(s) and/or suspect(s), any other officers or individuals involved, the date of the incident, the specific conduct in which you or any other officer engaged, and whether you or any other officer was the subject of any complaint.

ANSWER: Defendant Madigan objects to Interrogatory No. 16 because this request is overly broad, vague and ambiguous and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant Madigan asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

17. State whether you have ever been the subject of an investigation by the United States Attorneys office, the Cook County States Attorneys office, or any other investigative or law enforcement agency and, if so, state whether you have ever given any statement, written or verbal, or testimony to any investigative or law enforcement agency or personnel, identify the person(s) to whom any statement was given, give the date of the statement, and state in detail the substance of the statement.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Madigan asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.



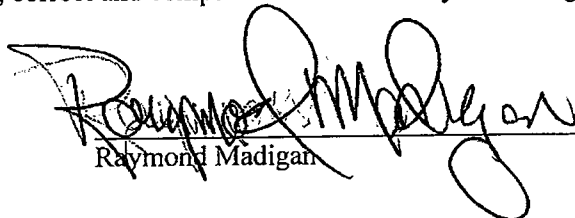
Dated: May 21, 2012

James G. Sotos
Elizabeth A. Ekl
Christina S. Gunn
eeekl@jsotoslaw.com
THE SOTOS LAW FIRM, P.C.
550 East Devon, Suite 150
Itasca, Illinois 60143
630-735-3300
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ELIZABETH A. EKL, Attorney No. 6242840
One of the Attorneys for Defendant Raymond Madigan

ATTESTATION

Under penalties of perjury pursuant to 28 U.S.C.A. § 1746, I, Raymond Madigan, affirm I am a defendant in the above-captioned matter, that I have read the foregoing document and the answers made herein are true, correct and complete to the best of my knowledge and belief.


Raymond Madigan

PROOF OF SERVICE

I, Bahar Azari, a non-attorney, certify under penalty of perjury pursuant to 28 U.S.C.A. § 1746 that the foregoing is true and correct, that a copy of the attached **Defendant Raymond Madigan's Answers to Plaintiff's Second Set of Interrogatories** was served upon the attorneys listed on the attached service list by electronic mail and by placing same in a U.S. Post Office Mail Box in Itasca, Illinois with postage fully prepaid before 5:00 p.m. on May 21, 2012.

Bahar Azari

SERVICE LIST
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Attorneys for Plaintiff

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ERIC CAINE,)	
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Plaintiff,)	Case No. 11 C 08996
)	
v.)	Judge Virginia M. Kendall
)	
JON BURGE, et al.,)	Jury Trial Demanded
)	
Defendants.)	

**DEFENDANT DANIEL McWEENY'S ANSWERS TO
PLAINTIFF'S FIRST SET OF OF INTERROGATORIES**

Defendant Daniel McWeeny, by his attorneys, JAMES G. SOTOS and ELIZABETH A. EKL of THE SOTOS LAW FIRM, P.C., responds to Plaintiff's First Set of Interrogatories, as follows:

OBJECTIONS TO PLAINTIFF'S "DEFINITIONS AND INSTRUCTIONS"

1. Defendant McWeeny objects to Plaintiff's definition of the term "Document" because it specifically includes materials not within Defendant's possession, custody, and control.
 2. Defendant McWeeny objects to Instruction "4," as it is overly broad, unduly burdensome, and seeks to impose requirements beyond those contemplated by the Federal Rules of Civil Procedure.
 3. Defendant McWeeny objects to Plaintiff's Instructions because they are vague and ambiguous. Plaintiff's Instructions are also overly broad and unduly burdensome.
- Defendant McWeeny will respond to Plaintiff's Interrogatories as required by the Federal Rules of Civil Procedure.

GENERAL OBJECTIONS

1. Defendant McWeeny asserts the General Objections with respect to each and every Interrogatory.
2. No disclosure by Defendant McWeeny of any information, document, or other material shall constitute a waiver of any objection asserted in response to specific Interrogatories or a waiver of the General Objections.
3. Defendant McWeeny reserves the right to at any time revise, correct, add to, amend, or clarify any response. Similarly, Defendant McWeeny reserves the right to assert additional specific objections and General Objections.
4. Defendant McWeeny's decision, now or in the future, to provide information or produce documents or other materials in response to Plaintiff's Interrogatories should not be construed as: (a) a stipulation that the information, documents, or materials are relevant or admissible; (b) a waiver of the General Objections or the objections asserted in response to specific Interrogatories, or (c) an agreement that Defendant will treat requests for similar information, documents, or materials in an identical fashion.
5. Defendant McWeeny objects to providing information or producing documents or other materials that are protected from disclosure by the attorney-client privilege, attorney work-product doctrine, joint-defense privilege, and/or any other applicable privilege or protection. An inadvertent production of privileged or protected information, documents, or other materials shall not constitute a waiver of any privilege or protection.
6. Defendant McWeeny objects to Plaintiff's Interrogatories to the extent they assume the existence of facts that have not been proven in this case.

7. Defendant McWeeny objects to Plaintiff's Interrogatories to the extent they impose burdens exceeding the requirements of the Federal Rules of Civil Procedure and/or any other applicable rules.

8. Defendant McWeeny objects to Plaintiff's Interrogatories' use of the words "ever," "any," and "all," as these terms make the Interrogatories overly broad and too encompassing to permit literal compliance.

9. Defendant McWeeny objects to Plaintiff's Interrogatories to the extent that, including all discreet subparts, they exceed 25 in number.

INTERROGATORIES

1. State your name, address and phone number, and identify every other Person who participated in answering these Interrogatories and responding to the accompanying Document Requests, indicating which particular Interrogatories and Requests were answered by which other Person.

ANSWER: My name is Daniel McWeeny. No one else participated in answering these interrogatories other than my lawyers. Defendant McWeeny objects to providing his home address and telephone number based on privacy and safety concerns. His address and phone number are the subject of Defendants' proposed Confidential Matter and HIPAA Protective Order. He can be contacted through his counsel, the undersigned attorney.

2. Under oath, please identify by name and address all Persons who, to the best of your understanding, have knowledge of facts that relate to any of the claims or defenses in this action, including, but not limited to, all Persons who are not listed in Defendants' Rule 26 Initial disclosures.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant McWeeny asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

3. For each Person with knowledge responsive to the previous Interrogatory, please describe with particularity any categories of facts known by each such Person relating to the claims or defenses in this action, including all categories of facts about which the Person may be competent to testify at trial. If this Interrogatory is answered by incorporating Documents, please state under oath whether there are any categories of facts known to any witness relating to the claims or defenses in this action which are not reflected in the documents upon which you rely; in the event you fail to do so, Plaintiff will assume the substance of the witnesses' testimony is strictly limited to what is contained in such documents.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant McWeeny asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

4. Under oath, please state whether there have ever been any Complaints ever made against you (including Plaintiff's civil complaint or any civil complaints which presently remain pending) which are not listed on the disciplinary print-out (s) produced by you in this litigation, including, but not limited to, any and all lawsuits in which you are a defendant, Internal Affairs Complaints, OPS Complaints, IPRA Complaints, and all Complaints alleging dishonest behavior, such as lying under oath, concealing or withholding evidence, falsifying or planting evidence; the use of improperly suggestive, coercive, or torturous methods on suspects, arrestees, or witnesses; the use of unduly suggestive visual and/or voice identification procedures, and the destruction or withholding of police reports or notes from the State's Attorney's Office or criminal defendants. For all Complaints responsive to this Interrogatory, please provide the CR number, case number, or other identifying information.

ANSWER: Defendant McWeeny objects to Interrogatory No. 4 because this request is overly broad, vague, ambiguous and seeks information that is neither relevant nor

reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant McWeeny asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

5. State whether you ever communicated with any Person in the Cook County State's Attorney's Office regarding Plaintiff and/or any of the events described in Plaintiff's complaint. For each such Communication state: (a) the date of the Communication; (b) with whom the Communication occurred; and (c) a summary of the nature of the Communication, including any statements made by Chicago Police Department employees and agents, and/or the Person with the State Attorney's Office. If you intend to answer by reference to documents, please state under oath that the documents contain all of the information responsive to this Interrogatory, and provide the relevant Bates Numbers.

ANSWER: Defendant McWeeny objects to Interrogatory No. 5 because this request is overly broad, vague and ambiguous. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant McWeeny asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

6. For any Document requested in Plaintiff's discovery requests which have been lost, discarded or destroyed, please identify each document as completely as possible and state the approximate date it was lost, discarded or destroyed; the circumstances and manner in which it was lost, discarded or destroyed, including the identities of all persons involved; the reasons for disposing of the Document; the identity of any persons with knowledge of its content; and the identity of the last person known to have seen it.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant McWeeny asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

7. Please state whether you have ever been convicted of a criminal charge, and for each such responsive conviction, identify: (a) the nature of the conviction; (b) the date of the conviction; (c) the sentence or other disposition of the matter, and (d) the identity of the court or other tribunal which heard the matter.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant McWeeny asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

8. Please state whether you have ever acted inconsistently with any of the policies and practices of the City of Chicago or the Chicago Police Department (formal or informal, written or unwritten) at any time during the entire course of dealing or involvement with Plaintiff. If the answer is in the affirmative, please identify (a) any particular Department policy or Department practice which you believe was violated; and (b) whether any discipline resulted from that violation.

ANSWER: Defendant McWeeny objects to Interrogatory No. 8 because this request is overly broad, vague and ambiguous. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant McWeeny asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

9. For any Affirmative Defenses pled in this matter, please describe the entire factual basis or bases supporting those defenses. The information sought by this Interrogatory is not a mere recitation of the statutory sections invoked. Plaintiff requests that you provide a detailed description of every fact and legal basis on which any defense, such as immunity, for example, is asserted so that Plaintiff may have the opportunity to investigate by way of additional discovery requests. For instance, if there are any physical, documentary, or testimonial evidence which supports any such defense, please identify it specifically.

ANSWER: Defendant McWeeny objects to Interrogatory No. 9 because this request is overly broad, vague and ambiguous. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant McWeeny asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

10. State whether you ever spoke with Plaintiff at any time, and state with particularity the substance of that discussion/conversation, and the identify (*sic*) every other agent or employee of the City of Chicago involved in that conversation. If you intend to answer by reference to documents, please state under oath that the documents contain all of the information responsive to this Interrogatory, and provide the relative Bates Numbers.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant McWeeny asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

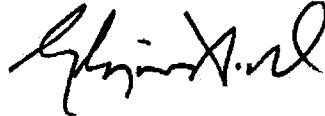
11. Is it your position that the Plaintiff was present at the time the Sanchez murders were committed? If so, please state with specificity every fact and identify every witness on whose testimony you may rely to support your position that Plaintiff was present at the time the Sanchez murders were committed.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant McWeeny asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

12. State whether you have ever created Street Files in connection with any criminal investigation. For each such investigation in which you created Street Files and the defendant was ultimately prosecuted, state (1) the RD number of the investigation or the name of the individual(s) who was/were the subject of the investigation; (2) whether you shared those street files with any member of the State's Attorney's Office; (3) what you did with the Street Files at

the conclusion of your investigation; (4) where you last saw those Street Files, and (5) where those Street Files are presently.

ANSWER: Defendant McWeeny objects to Interrogatory No. 12 because this request is overly broad, vague and ambiguous. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant McWeeny asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.



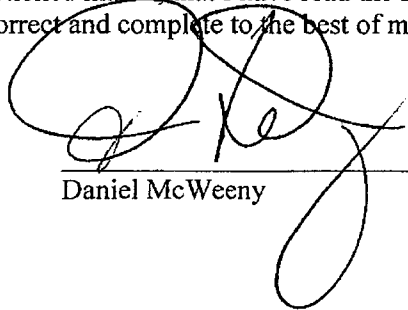
Dated: May 9, 2012

ELIZABETH A. EKL, Attorney No. 6242840
*One of the Attorneys for Defendant Daniel
McWeeny*

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Elizabeth A. Ekl
Christina S. Gunn
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630-773-0980 (fax)

ATTESTATION

Under penalties of perjury pursuant to 28 U.S.C.A. § 1746, I, Daniel McWeeny, affirm I am a defendant in the above-captioned matter, that I have read the foregoing document and the answers made herein are true, correct and complete to the best of my knowledge and belief.

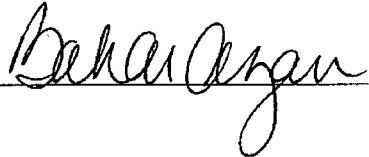


A handwritten signature in black ink, appearing to read 'Daniel McWeeny', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Daniel McWeeny

PROOF OF SERVICE

I, Bahar Azari, a non-attorney, certify under penalty of perjury pursuant to 28 U.S.C.A. § 1746 that the foregoing is true and correct, that a copy of the attached **Defendant Daniel McWeeny's Answers to Plaintiff's First Set of Interrogatories** was served upon the attorneys listed on the attached service list by electronic mail and by placing same in a U.S. Post Office Mail Box in Itasca, Illinois with postage fully prepaid before 5:00 p.m. on May 30, 2012.



SERVICE LIST
Caine v. Burge, et al.
Case No.:11 CV 08996

Attorneys for Plaintiff

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ERIC CAINE,)	
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Plaintiff,)	Case No. 11 C 08996
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v.)	Judge Virginia M. Kendall
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JON BURGE, et al.,)	Jury Trial Demanded
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Defendants.)	

**DEFENDANT DANIEL McWEENY'S ANSWERS TO
PLAINTIFF'S SECOND SET OF OF INTERROGATORIES**

Defendant Daniel McWeeny, by his attorneys, JAMES G. SOTOS and ELIZABETH A. EKL of THE SOTOS LAW FIRM, P.C., responds to Plaintiff's Second Set of Interrogatories, as follows:

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1. Defendant McWeeny objects to Plaintiff's definition of the term "Document" because it specifically includes materials not within Defendant's possession, custody, and control.
 2. Defendant McWeeny objects to Instruction "4," as it is overly broad, unduly burdensome, and seeks to impose requirements beyond those contemplated by the Federal Rules of Civil Procedure.
 3. Defendant McWeeny objects to Plaintiff's Instructions because they are vague and ambiguous. Plaintiff's Instructions are also overly broad and unduly burdensome.
- Defendant McWeeny will respond to Plaintiff's Interrogatories as required by the Federal Rules of Civil Procedure.

GENERAL OBJECTIONS

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2. No disclosure by Defendant McWeeny of any information, document, or other material shall constitute a waiver of any objection asserted in response to specific Interrogatories or a waiver of the General Objections.
3. Defendant McWeeny reserves the right to at any time revise, correct, add to, amend, or clarify any response. Similarly, Defendant McWeeny reserves the right to assert additional specific objections and General Objections.
4. Defendant McWeeny's decision, now or in the future, to provide information or produce documents or other materials in response to Plaintiff's Interrogatories should not be construed as: (a) a stipulation that the information, documents, or materials are relevant or admissible; (b) a waiver of the General Objections or the objections asserted in response to specific Interrogatories, or (c) an agreement that Defendant will treat requests for similar information, documents, or materials in an identical fashion.
5. Defendant McWeeny objects to providing information or producing documents or other materials that are protected from disclosure by the attorney-client privilege, attorney work-product doctrine, joint-defense privilege, and/or any other applicable privilege or protection. An inadvertent production of privileged or protected information, documents, or other materials shall not constitute a waiver of any privilege or protection.
6. Defendant McWeeny objects to Plaintiff's Interrogatories to the extent they assume the existence of facts that have not been proven in this case.

7. Defendant McWeeny objects to Plaintiff's Interrogatories to the extent they impose burdens exceeding the requirements of the Federal Rules of Civil Procedure and/or any other applicable rules.

8. Defendant McWeeny objects to Plaintiff's Interrogatories' use of the words "ever," "any," and "all," as these terms make the Interrogatories overly broad and too encompassing to permit literal compliance.

9. Defendant McWeeny objects to Plaintiff's Interrogatories to the extent that, including all discreet subparts, they exceed 25 in number.

INTERROGATORIES

13. Did you punch, hit, kick, choke, or suffocate either Eric Caine or Aaron Patterson while they were inside a police interview room on April 30, 1986 or May 1, 1986? If so, please state which person you hit, kicked, choked, or suffocated, and identify with particularity

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant McWeeny asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

14. Did you ever punch, hit, kick, choke, or suffocate a criminal suspect or witness inside an interview room at a Chicago police station? If so, please state the name of the individual, the individual's IR number or other identifying information, the date you punched, hit, kicked, choked, or suffocated a criminal suspect or witness inside an interview room, and the RD number of the case you were investigating.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant McWeeny asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

15. State whether you have ever used methods, procedures or techniques involving any form of verbal or physical coercion of suspects while in detention or during interrogation, such as deprivation of sleep, quiet, food, drink, bathroom facilities, or contact with legal counsel or family members, the use of verbal and/or physical threats or intimidation, physical beatings, hangings, the use of racial slurs or profanity, the use of physical restraints, such as handcuffs, the use of photographs or polygraph testing, and the use of physical objects to inflict pain, suffering or fear, such as firearms, telephone books, typewriter covers, radiators, or machines that deliver an electric shock, and for each such use of verbal or physical coercion identify the detainee(s) and/or suspect(s), any other officers or individuals involved, the date of the incident, the specific conduct in which you or any other officer engaged, and whether you or any other officer was the subject of any complaint or discipline as a result of said conduct.

ANSWER: Defendant McWeeny objects to Interrogatory No. 15 because this request is overly broad, vague, ambiguous and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant McWeeny asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

16. State whether you were aware of any Chicago Police Officer, including, but not limited to, officers under your command, ever using methods, procedures or techniques involving any form of verbal or physical coercion of suspects while in detention or during interrogation, such as deprivation of sleep, quiet, food, drink, bathroom facilities, or contact with legal counsel or family members, the use of verbal and/or physical threats or intimidation, physical beatings, hangings, the use of racial slurs or profanity, the use of physical restraints, such as handcuffs, the use of photographs or polygraph testing, and the use of physical objects to inflict pain, suffering or fear, such as firearms, telephone books, typewriter covers, radiators, or

machines that deliver an electric shock, and for each such use of verbal or physical coercion of which you were aware identify the detainee(s) and/or suspect(s), any other officers or individuals involved, the date of the incident, the specific conduct in which you or any other officer engaged, and whether you or any other officer was the subject of any complaint.

ANSWER: Defendant McWeeny objects to Interrogatory No. 16 because this request is overly broad, vague and ambiguous and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant McWeeny asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

17. State whether you have ever been the subject of an investigation by the United States Attorneys office, the Cook County States Attorneys office, or any other investigative or law enforcement agency and, if so, state whether you have ever given any statement, written or verbal, or testimony to any investigative or law enforcement agency or personnel, identify the person(s) to whom any statement was given, give the date of the statement, and state in detail the substance of the statement.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant McWeeny asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.



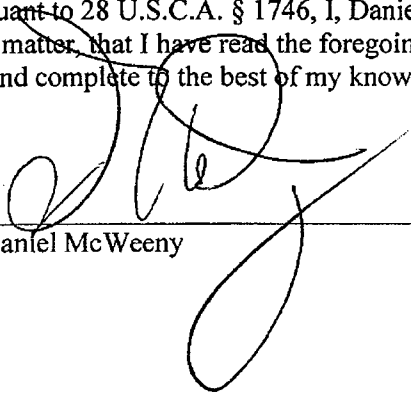
Dated: May 30, 2012

ELIZABETH A. EKL, Attorney No. 6242840
*One of the Attorneys for Defendant Daniel
McWeeny*

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ATTESTATION

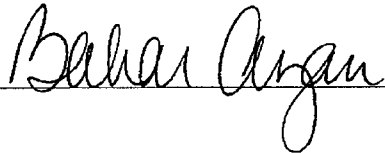
Under penalties of perjury pursuant to 28 U.S.C.A. § 1746, I, Daniel McWeeny, affirm I am a defendant in the above-captioned matter, that I have read the foregoing document and the answers made herein are true, correct and complete to the best of my knowledge and belief.



Daniel McWeeny

PROOF OF SERVICE

I, Bahar Azari, a non-attorney, certify under penalty of perjury pursuant to 28 U.S.C.A. § 1746 that the foregoing is true and correct, that a copy of the attached **Defendant Daniel McWeeny's Answers to Plaintiff's Second Set of Interrogatories** was served upon the attorneys listed on the attached service list by electronic mail and by placing same in a U.S. Post Office Mail Box in Itasca, Illinois with postage fully prepaid before 5:00 p.m. on May 30, 2012.



SERVICE LIST
Caine v. Burge, et al.
Case No.:11 CV 08996

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ERIC CAINE,)	
)	
Plaintiff,	)	Case No. 11 C 08996
)	
v.	)	Judge Virginia M. Kendall
)	
JON BURGE, et al.,	)	Jury Trial Demanded
)	
Defendants.)	

**DEFENDANT WILLIAM PEDERSEN'S ANSWERS TO
PLAINTIFF'S SECOND SET OF OF INTERROGATORIES**

Defendant William Pedersen, by his attorneys, JAMES G. SOTOS and ELIZABETH A. EKL of THE SOTOS LAW FIRM, P.C., responds to Plaintiff's Second Set of Interrogatories, as follows:

OBJECTIONS TO PLAINTIFF'S "DEFINITIONS AND INSTRUCTIONS"

1. Defendant Pedersen objects to Plaintiff's definition of the term "Document" because it specifically includes materials not within Defendant's possession, custody, and control.
2. Defendant Pedersen objects to Instruction "4," as it is overly broad, unduly burdensome, and seeks to impose requirements beyond those contemplated by the Federal Rules of Civil Procedure.
3. Defendant Pedersen objects to Plaintiff's Instructions because they are vague and ambiguous. Plaintiff's Instructions are also overly broad and unduly burdensome. Defendant Pedersen will respond to Plaintiff's Interrogatories as required by the Federal Rules of Civil Procedure.

GENERAL OBJECTIONS

1. Defendant Pedersen asserts the General Objections with respect to each and every Interrogatory.

2. No disclosure by Defendant Pedersen of any information, document, or other material shall constitute a waiver of any objection asserted in response to specific Interrogatories or a waiver of the General Objections.

3. Defendant Pedersen reserves the right to at any time revise, correct, add to, amend, or clarify any response. Similarly, Defendant Pedersen reserves the right to assert additional specific objections and General Objections.

4. Defendant Pedersen's decision, now or in the future, to provide information or produce documents or other materials in response to Plaintiff's Interrogatories should not be construed as: (a) a stipulation that the information, documents, or materials are relevant or admissible; (b) a waiver of the General Objections or the objections asserted in response to specific Interrogatories, or (c) an agreement that Defendant will treat requests for similar information, documents, or materials in an identical fashion.

5. Defendant Pedersen objects to providing information or producing documents or other materials that are protected from disclosure by the attorney-client privilege, attorney work-product doctrine, joint-defense privilege, and/or any other applicable privilege or protection. An inadvertent production of privileged or protected information, documents, or other materials shall not constitute a waiver of any privilege or protection.

6. Defendant Pedersen objects to Plaintiff's Interrogatories to the extent they assume the existence of facts that have not been proven in this case.

7. Defendant Pedersen objects to Plaintiff's Interrogatories to the extent they impose burdens exceeding the requirements of the Federal Rules of Civil Procedure and/or any other applicable rules.

8. Defendant Pedersen objects to Plaintiff's Interrogatories' use of the words "ever," "any," and "all," as these terms make the Interrogatories overly broad and too encompassing to permit literal compliance.

9. Defendant Pedersen objects to Plaintiff's Interrogatories to the extent that, including all discreet subparts, they exceed 25 in number.

INTERROGATORIES

13. Did you punch, hit, kick, choke, or suffocate either Eric Caine or Aaron Patterson while they were inside a police interview room on April 30, 1986 or May 1, 1986? If so, please state which person you hit, kicked, choked, or suffocated, and identify with particularity

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Pedersen asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

14. Did you ever punch, hit, kick, choke, or suffocate a criminal suspect or witness inside an interview room at a Chicago police station? If so, please state the name of the individual, the individual's IR number or other identifying information, the date you punched, hit, kicked, choked, or suffocated a criminal suspect or witness inside an interview room, and the RD number of the case you were investigating.

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ANSWER: Defendant Pedersen objects to Interrogatory No. 15 because this request is overly broad, vague, ambiguous and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant Pedersen asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

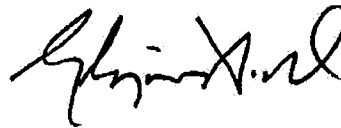
16. State whether you were aware of any Chicago Police Officer, including, but not limited to, officers under your command, ever using methods, procedures or techniques involving any form of verbal or physical coercion of suspects while in detention or during interrogation, such as deprivation of sleep, quiet, food, drink, bathroom facilities, or contact with legal counsel or family members, the use of verbal and/or physical threats or intimidation, physical beatings, hangings, the use of racial slurs or profanity, the use of physical restraints, such as handcuffs, the use of photographs or polygraph testing, and the use of physical objects to inflict pain, suffering or fear, such as firearms, telephone books, typewriter covers, radiators, or

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ANSWER: Defendant Pedersen objects to Interrogatory No. 16 because this request is overly broad, vague and ambiguous and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any of the General Objections or the specific objections set forth above, Defendant Pedersen asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.

17. State whether you have ever been the subject of an investigation by the United States Attorneys office, the Cook County States Attorneys office, or any other investigative or law enforcement agency and, if so, state whether you have ever given any statement, written or verbal, or testimony to any investigative or law enforcement agency or personnel, identify the person(s) to whom any statement was given, give the date of the statement, and state in detail the substance of the statement.

ANSWER: Subject to and without waiving any of the General Objections set forth above, Defendant Pedersen asserts the rights guaranteed to him by the Fifth Amendment of the United States Constitution.



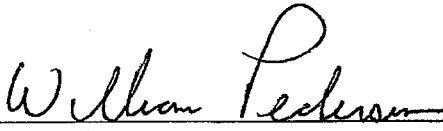
Dated: May 21, 2012

ELIZABETH A. EKL, Attorney No. 6242840
*One of the Attorneys for Defendant William
Pedersen*

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630-773-0980 (fax)

ATTESTATION

Under penalties of perjury pursuant to 28 U.S.C.A. § 1746, I, William Pedersen, affirm I am a defendant in the above-captioned matter, that I have read the foregoing document and the answers made herein are true, correct and complete to the best of my knowledge and belief.



William Pedersen

PROOF OF SERVICE

I, Bahar T. Azari, a non-attorney, certify under penalty of perjury pursuant to 28 U.S.C.A. § 1746 that the foregoing is true and correct, that a copy of the attached **Defendant William Pedersen's Answers to Plaintiff's Second Set of Interrogatories** was served upon the attorneys listed on the attached service list by electronic mail and by placing same in a U.S. Post Office Mail Box in Itasca, Illinois with postage fully prepaid before 5:00 p.m. on May 21, 2012.

Bahar Azari

SERVICE LIST
Caine v. Burge, et al.
Case No.:11 CV 08996

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